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Hate Violence in California - State and Federal Responses to Hate Violence

Senate Judiciary Committee

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CALIFORNIA LEGISLATURE

SENATE JUDICIARY COMMITTEE
BILL LOCKYER, CHAIRMAN

INTERIM HEARING ON

HATE VIOLENCE IN CALIFORNIA STATE AND FEDERAL RESPONSES TO HATE VIOLENCE



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DECEMBER 13, 1993
ALAMEDA COUNTY BOARD OF SUPERVISORS CHAMBERS
OAKLAND, CALIFORNIA

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CALIFORNIA LEGISLATURE

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DECEMBER 13, 1993
ALAMEDA COUNTY BOARD OF SUPERVISORS CHAMBERS
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Senate Committee on Judiciary

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Interim Hearing on HATE VIOLENCE IN CALIFORNIA

Alameda County Board of Supervisors Chambers
1221 Oak Street, Suite 536
Oakland, California

Monday, December 13, 1993
9 a.m. - 12 p.m.
1 p.m. - 3 p.m.

AGENDA

9:00 OPENING REMARKS

- * Senator Bill Lockyer
- * Other Senate Judiciary Members

9:15 NATIONAL AND LEGAL OVERVIEW

- * Brian Levin, Visiting Scholar, Bias Crime Policy Analyst, Stanford University Law School

9:30 SPECIAL PRESENTATION

- * Lieutenant Governor Leo McCarthy, Chair
Commission on the Prevention of Hate Violence

9:45 OVERVIEW OF EMERGING PROBLEMS

1. STALKING AND AGGRESSIVE PURSUIT: GENDER-BASED CRIME

- * Honorable Mary King, Alameda County Supervisor
- * Sharon Jones, Director College Relations
Mills College
- * Pearl Stewart, Editor (outgoing)
Oakland Tribune
- * Brenda Payton, Columnist
Oakland Tribune

2. IMMIGRANTS

- * Angelo Ancheta, Executive Director
Coalition for Humane Immigrant Rights,
Los Angeles

3. YOUTH AND SCHOOLS

- * Fred Persily, Consultant
Hate Violence Reduction

4. MINORITY ON MINORITY CONFLICTS

- * Diane Chin, Esq.
Lawyers Committee for Civil Rights

10:30 RECENT VICTIMS OF HATE-RELATED CRIMES

- * Dr. Nate White, President
National Association for the Advancement of Color People,
Sacramento Chapter
- * Randy Imai, President
Japanese American Citizens League, Sacramento Chapter
- * Anne Eisenberg, Jewish Federation of Sacramento
- * Vinh Liu, Sonoma County
- * Kathlyn Green, Castro Valley

10:45 PSYCHOLOGY AND IDEOLOGY OF A RACIST

- * Gregory Withrow, Consultant on Racist Ideology

LAUREL WALSH
GOLDEN GATE UNIVERSITY

**11:00 LAW ENFORCEMENT RESPONSE: DATA COLLECTION, COORDINATION
AND TRAINING**

- * Chief Bob Maginnis
San Leandro Police Department
- * Officer Sandy Bargioni, Hate Crimes Unit
San Francisco Police Department
- * Sgt. David Ransom, Family Abuse/Bias Crimes Unit
Sacramento Police Department
- * Lt. Bill Roberts, Special Investigations Unit
Sacramento Sheriff's Department
- * Capt. Ron Black, Special Investigations Bureau
Los Angeles Sheriff's Department
- * Sgt. Kenneth Parris, Assault Unit/Hate Crimes
Oakland Police Department

**11:30 DISTRICT ATTORNEY RESPONSE: PROSECUTION AND PROVING
MOTIVATION**

- * Steve White, District Attorney
Sacramento
- * Arlo Smith, District Attorney/Charles Haines, Deputy District
Attorney, San Francisco
- * Kay Shafer, Special Assistant to the
District Attorney, Gil Garcetti, Los Angeles
- * Morris Jacobson
Deputy District Attorney, Alameda
- * Luis Aragon
Deputy District Attorney, San Diego

12:00 LUNCH BREAK

1:00 CIVIL REMEDIES: ROLE AND EFFECTIVENESS

- * Doreena Wong, Esq.
Asian Law Caucus
- * Ann Noel, Commission Counsel
State of California Fair Employment and Housing Commission

1:15 COMMUNITY RESPONSE: ROLE, EFFECTIVENESS AND POSSIBLE REFORMS

1. Local Government/ Human Relations and Human Rights Commissions

- * Vince Reyes, Multicultural/Multilingual Coordinator
Alameda County
- * Jill Tregor, Executive Director
Intergroup Clearinghouse
- * Bob Delgado, President
California Association of Human Relations Commission
- * Norma Mencacci
County of Santa Clara Human Relations Commission
- * Don Hesse,
San Francisco Human Rights Commission
- * Barbara Lehman, Executive Director
Sacramento Human Rights & Fair Housing Commission

2. Community-based Organizations

- * Lester Olmsted-Rose, Executive Director
Community United Against Violence, San Francisco
- * Nancy Diner
Anti-Defamation League
- * John Yamada, President
Asian Americans Together of Castro Valley
- * Karen Gelender, Coordinator
Castro Valley Grass Roots Against Bigotry
- * Wanda Remmers, California Mental Health Coalition for Special Needs
Housing

2:15 PUBLIC COMMENTS

3:00 ADJOURNMENT

SENATOR BILL LOCKYER, CHAIRMAN: This is a meeting of the Senate Judiciary Committee. The purpose of our discussion today is to monitor and update our understanding with respect to efforts to combat hate crime in the State of California. We view the effort as essentially two-pronged: One is to provide for appropriate punishments for those who commit crimes of this sort, but at the same time we emphasize the need to work positively to create a tolerant climate and atmosphere in the State of California that respects people and their differences. There's been a number of laws written, others proposed, and numerous inquiries into the general situation to see what else might be done.

I think perhaps if I might first introduce my two colleagues that are present. We're actually in Senator Nick Petris' district. Senator Petris is well known to people in our area and around the state; he has involved himself in these discussions and issues over a lengthy career in politics and government. Senator Milton Marks from San Francisco is on my right, and, of course, Senator Marks is chair of the Democratic Caucus. He chairs the Elections and Reapportionment Committee as well as being a very active member of the Senate Judiciary Committee. Senator Marks suggested that we conduct another hearing in order to provide ourselves with an update with respect to these matters.

Gentlemen, do you wish to begin with any comments?

SENATOR MILTON MARKS: I'd like to make a brief statement.

Good morning. As a member of the Senate Judiciary Committee, I'm pleased to be part of this hearing on hate violence, an issue of deep concern to me.

I have authored the California Schools Hate Reduction Act of 1991, produced public education video tapes on how to reduce hate crimes in our neighborhoods, and actively advocated for a reduction of hate crimes in our neighborhoods, schools, and on our streets. I've established (inaudible) to work towards these goals.

During the summer the U.S. Supreme Court decided Wisconsin v. Mitchell. The case involved penalty enhancement provisions in hate crime penalties. The court held that such provisions do not violate First Amendment rights. As one of the principal authors on California penalty enhancement statutes with Senator Lockyer, I have watched the Supreme Court debate closely and was very

pleased with the positive outcome of the Wisconsin opinion.

Currently, we are in the midst of an important escalation in hate crime violence in California and this hearing is both timely and exigent. We have an excellent group of speakers who will be testifying on various aspects of hate crimes. My job is to listen and to bring this wealth of knowledge back to the Senate Judiciary Committee in January to work with my colleagues in taking major action to combat hate crimes throughout our State of California.

Thank you.

Let me also say that Alex Park of my office, who's been working very closely on this issue, will be here shortly, and if you have any problems relating to this matter please call upon him. Thank you.

SENATOR LOCKYER: Okay, Senator Marks. Thank you.

Good morning, ladies and gentlemen. I would only suggest, with respect to kind of general ground rules, that we try to be concise. I've learned over the years that good points well made are the lasting ones and all of the rhetorical flourishes tend to banish in the wind. And, of course, I think that we're all of the view that there is a problem, a growing problem and one that we need to address, so descriptions of the problem are, while constructive, less needed than recommendations for a solution.

I believe our first testifier -- well, perhaps since the Lieutenant Governor is here, would you object to being the first? Thank you very much for joining us.

LIEUTENANT GOVERNOR LEO MCCARTHY: Mr. Chairman, there's a motto over your head, behind the three of you, "In God We Trust". We might add to that but on our own courage to address this problem we must rely, even though it's not fashionable to many to address the issue of race and religious and sexual orientation prejudice in the state.

I thank you for inviting me to testify this morning, and I want to express my appreciation for your own personal strong convictions and for that of your colleagues who have authored or supported legislation to address this issue.

Hate violence can be described as an epidemic in the State of California. We have reports from the Los Angeles Human Rights Commission, from the ADL, from the Committee United Against Violence, SINFROM(?), other groups as well, showing us, documenting that there are many, many incidences of hate violence in the State of California. And we know that it has worsened as we enter this fourth bitter year of a recession. As economic stresses mount, we have more cases of race violence and hate violence. Now, in this diverse multicultural state, we cannot ignore this problem because to ignore it is to worsen the problem and is to accept a standard of prejudice for which we cannot accept.

Two years ago, Mr. Chairman, you introduced Senate Bill 98 to double the criminal penalty. I was proud to support that legislation. You were kind enough to add a provision which allowed those who are victims of hate violence the right to sue attackers for limited punitive damages, and that was a vital first step. And Senator Marks' legislation was a vital early step.

The next step, we thought, was to look at ways to prevent hate violence throughout California from occurring in the first place. To do that we assembled a group of legislators, of community leaders, of educators, of law enforcement officials and we formed the Commission on the Prevention of Hate Violence. And you, Mr. Chairman, were among the first to accept that invitation to join that and your colleague, Senator Watson, immediately did as well. There are several members that served on that commission are going to testify here today: Fred Persily, Steve White, Vince Reyes, Ann Noel. And there are several other of your witnesses who appeared before our commission as well. I want to thank each of them for the work that they've done to support the commission and to support this State Senate committee.

Over a period of several months, during the 1991-92 years, we had five meetings and we addressed four basic areas: combating prejudice in the school environment, countering the lures of youth hate groups, promoting community-based programs, and generating greater awareness of and sensitivity to the issue of prejudice on the part of the mass media. We issued a report and it had numerous recommendations to prevent hate violence. Many of these do not require legislative action. They require only the sustained attention of state and local government leaders and leaders in the broadcasting industry.

But there are two central issues that cry out for legislative solution and I will just refer to those. Our commission reports are in the packet of materials you have. I know you, Mr. Chairman, looked at it a long time ago. But the two issues that cry out for legislative solution, and not the only two, are: first, we need a statewide data collection system for hate crimes. State officials cannot judge the severity of this problem in a way that will convince many others that have ignored this problem up to this point at least, and cannot, after they judge the dimension of the problem, formulate the best programs to counter hate violence in the state until we have an accurate, comprehensive picture of this problem.

And the second legislative area that cries out for solution is how do we best address prejudice from kindergarten to twelfth grade classrooms? We have bits and pieces of ideas, present and current curriculum in teacher training guidelines. But the state has no overall effective way, no policy requiring educating against prejudice or responding to it.

Senator Watson, four times, has carried legislation to implement the data collection system, and in the early years it got sidetracked somewhere in the legislative process but last year it was vetoed by Governor Wilson. Assemblywoman Barbara Lee, on three occasions, three legislative sessions, has introduced legislation addressing the school component problem and three times, if I recall correctly, has been vetoed by Governor Wilson. We need the supporters who are here in this audience who are listening to the media, as you testified, to join with those on your committee present here, Mr. Chairman, to work harder to get these bills signed by the Governor. Those testifying today will do their part. They have in the past. We simply need to redouble our efforts and elevate the priority of this issues.

And with you, Mr. Chairman, and your colleagues who are joining you here for this hearing today, let's hope that 1994 sees these steps enacted and others so that maybe we can return again to a time when Californians of all races and religions and ethnic origins and sexual orientation can live free from fear.

Thank you, Mr. Chairman. Thank you, members of the committee.

SENATOR LOCKYER: Thank you. Questions from anyone?

Let me acknowledge Senator Watson and Assemblywoman Lee who have joined us. Thank you, Governor McCarthy, for your participation and your exemplary efforts, not just with respect to this particular undertaking but for someone who has a career of public service that would make any human being very, very proud.

SENATOR DIANE WATSON: Mr. Chairman, if I may, I'd like to ask the Lieutenant Governor if he'd stay involved with us. It might be good that in the public sector we form a commission to look at these hate crimes and maybe put some pressure again on the Governor, whoever the new Governor will be, to follow up and support what we're trying to do.

LT. GOVERNOR MCCARTHY: I'll be one of your private sector supporters.

SENATOR WATSON: Thank you very much.

SENATOR LOCKYER: Okay, thank you very much.

Mr. Levin, if you could now turn to your analysis for us.

MR. BRIAN LEVIN: Good morning, Senator Lockyer, and members of the Judiciary Committee. Thank you for the opportunity to appear before you today to provide an overview on issues related to bias, violence and policy.

First, let me define the term "bias crime" because it will be used in my discussion. Bias crime is a criminal act where the victim is targeted based on the actual or perceived status of another. Before I'm finished speaking with you today, someone in the United States will be a victim of a bias crime.

According to the Center For The Study of Ethnic and Racial Violence, of which I am legal director, an estimated 37,000 bias crimes occurred in this country in 1992, an average of 1 every 14 minutes. Unfortunately, the majority of these were not picked up by law enforcement or reported by the victims, and out of those that were reported to police only a small fraction were actually prosecuted.

I think a good place to start for a lesson on bias crimes might come from the very people that we would think we had very little to learn from, and that's the recent defendants in the Fourth Reich skinhead case in Los Angeles, where I came from this morning.

One of the things that I think was effective in the media attention that came out of that was the fact that the few people who were misguided individuals believed that through separate acts of violence they could break intercommunity bonds within a whole city. Indeed, statistics have shown us that one incident, which we might find isolated with another type of crime such as a bank robbery or a liquor store robbery, can turn the whole country upside down. For instance, every major jurisdiction that collects data on bias crimes reported a record month in the month subsequent to the Rodney King acquittal -- I'm sorry, the acquittal of the four Los Angeles police officers in the Rodney King incident. As far away as Chicago, Maryland, New Jersey, New York City, the number of bias crimes skyrocketed.

For this reason, we're going to give a little overview today on some of the issues related to bias crimes both from a social standpoint and from a legal standpoint.

As you know, the U.S. Supreme Court held in Wisconsin v. Mitchell that penalty enhancement statutes for bias crimes similar to those in existence in California are constitutional. Over the last two terms the Supreme Court has held that states have broad but not unbridled authority to specifically punish bias motivated conduct. The previous year, in R.A.V. v. St. Paul, the court held that content-based prohibitions on symbolic expression are unconstitutional, but in Mitchell, only one year later, the justices gave their approbation to the more common and broadly applicable penalty enhancement statutes for bias crimes. As you know, the R.A.V. case involved a teenaged skinhead who had targeted an African American family's yard for a nighttime cross burning. That ordinance criminalized the display of burning crosses and Nazi swastikas when they arouse "anger, alarm, or resentment on the basis of race, color, creed...or gender."

The court had found that that statute had two basic flaws but was split as to which one was fatal. Because of time limitations, I'm not going to go into

an overdrawn legal analysis other than to say that the basic split involved whether or not, in and of itself, speech that was racially based, that was fighting words and not traditionally under the protection of the First Amendment could be punished. Some of the court said, yes, these types of expressions, when they are in the unprotected category, are more harmful. The rest of the court, which was a five-person majority, said no. All speech, if it's in an area that is considered unprotected and can be banned, has to be banned in what we call a "content neutral" way. And that's going to be a little bit relevant later on when I touch on some of the challenges that are coming up across the country.

Suffice it to say, though, we can prosecute people for bias motivated conduct. Expressive conduct or expressive symbolism might very well be a different story.

The following case was the Mitchell case which involved a 1989 assault on a white 14-year-old boy named Gregory Riddick. A teenager named Todd Mitchell, who was 19 at the time, had reportedly seen the movie, "Mississippi Burning," and he was incensed over a scene where a praying Black child was beaten. He urged a group of his cohorts to go after a white boy and pointed to Gregory Riddick. Riddick was beaten senseless, put into a coma, and suffered probable permanent brain damage. Instead of getting two years in jail, in prison, he got four years out of a possible seven due to Wisconsin's bias crime penalty enhancement statute. It went to the Wisconsin Supreme Court which ruled that that violated Mitchell's freedom of speech. The [U.S.] Supreme Court, in a 9-0 decision this summer, found that it did not and they found so for three reasons.

First, they found that while the government cannot punish abstract beliefs it can punish a vast array of depraved motives, including selection of the victim based on status.

Second, the court found that rather than punishing thought, bias crime laws properly address the greater individual and societal harm that is thought, they said, thought to be caused by these offenses. They noted that bias crimes are probably "more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest."

Lastly, the court upheld bias crime penalty enhancement laws because unlike St. Paul's statute, which was targeted at expressive conduct, here this was targeted at physical conduct and it didn't criminalize anything new. It merely enhanced conduct that was already prescribed by law.

So in accordance with R.A.V., non-threatening bigoted expression in and of itself remains off-limits to criminal prosecution.

This October the Hate Crimes Sentencing Enhancement Act was added as an amendment to the crime bill and it enhances penalties for federal offenses where the victim was chosen based on status, and that status includes "race, religion, national origin, sexual orientation, and disability," and that's on page 72 of the handouts today. Disability, I don't believe is in that version but it was subsequently added by an amendment.

Since Mitchell there have been several challenges throughout the country. I'll just go over what states are experiencing these challenges and what the nature of them are.

In Washington State there was a challenge and a portion of the statute in Washington that dealt with expressive conduct, symbolic speech was knocked out. The Washington State Legislature, though, had acted proactively and they had a bias crime law intact there.

New Jersey has two challenges currently pending before the [U.S.] Supreme Court. There have also been some federal challenges involving cross burning and how that applies to various federal laws. Unfortunately, we don't have the time to go into that at the moment.

The lesson to be learned, though, is that it is probably better, if we want to ban cross burning -- which, by the way, in the nexus of bias crimes is a relatively small number -- it is probably better to go after them with the broader civil rights intimidation statutes than it is with the specific statute that targets cross burning. In Maryland their cross burning statute was also thrown out as well.

What I'm going to go over now is some of the policy implications from the research that is currently available. I will not touch right now on the Eischmann(?) or M.S. cases which are going to be before the California Supreme Court because I think we'll have adequate coverage by the other speakers. Suffice it to say that one of the cases will involve whether or not the threat of force is permissible to be used as the basis for punishment under the bias crime statutes. The other will look at specific intent and what kind of intent one needs to actually be convicted, what kind of purposefulness does an offender need to be convicted. But as I said, we have far more able speakers on that issue than myself.

One of the things that I think we have to concentrate on in the area of data is, first of all, extremely limited. Second of all, more important than actual numbers, which can vary from year to year, I think it's important to look at the causal factors which will affect both the country and California. In fact, 1992 was a record year almost across the board in many jurisdictions, and I will refer to the article that is in the exhibit that has been handed

out.

One thing that we will probably find, though, for '93, which I hope will not give us a false sense of security, is that in many places bias crimes will actually be lower than the record year of 1992. I hope that does not give us a false sense of security for the following reasons.

First, there are a variety of factors that I'm going to talk about. The first one is the dramatic demographic changes that are taking place. As you know, the California Department of Finance predicts that California will be a no-majority state by the year 2002. To put that into perspective, the Census Bureau predicts that the United States will have to wait until past the year 2050 to reach that same level of diversity.

Secondarily, many of the other aspects of the diversity will have the distinct effect on how we live in this state. For instance, juveniles, who are among the most likely group to commit these crimes, juveniles and youthful offenders, after a decline in the number of their representation of the population during the '80s will increase over the coming decades. They are, as I said, the group most likely to be involved in bias related violence. As you know, and I won't go into the figures which I have in the article, we are experiencing breathtaking changes here in California. We have gone from a state that was basically 75 percent white just a decade or so ago to a state that will become very much multicultural and diversified and we have to be prepared to meet that.

One of the things that we know is that housing patterns in this country have not changed significantly over the past couple of generations, even though some of the more invidious obstacles to housing segregation have technically been eliminated. As the population grows both in numbers and in breadth, we are going to have stresses and pressures put on our communities, and one of the most frequent instigators or triggers for bias violence are integration of neighborhoods. So that's a factor we're going to have to look out for.

The next is a shift to a service sector economy. The nation's work force is changing. It's estimated that 85 percent of new entrants to the work force are going to be women, minorities, or immigrants over the coming decades. In addition, it is not just the fact that our economy has been in a slump here, and as you know, California has been in the bottom three of states as far as job growth and salary growth and second in unemployment. It's more deep than that, and that is that the very industries that have anchored California -- entertainment, banking, computers, aerospace -- a lot of the white collar industries that were once immune from the kind of changes that we're seeing now where people are getting put into different areas of work and displaced is

taking place now. And white collar unemployment tends to be more permanent than blue collar unemployment. This will create a situation where we will have people who are under stress and frustrated and, unfortunately, a certain number of them will scapegoat that onto other people who they regard as legitimate targets of violence.

Related to that, we have a prevalence of negative stereotypes in American culture: an attitude of intolerance. We're kind of schizophrenic in this society as far as our commitment to equality.

On a generic level, Americans, when polled, will say that they're very much in favor of equality, but when you ask them questions about specific groups such as African Americans, such as immigrants, such as gay people, we find that there are severe stresses that are out there, where there appears to be an acquiescence to the limitation of rights for these certain status groups. For instance, 78 percent of Americans believe that gay people should have equal rights in terms of job opportunities; however, less than 46 percent believe that adult gay people have the right to have consensual relationships. We are very much split. By the same token, we are far less likely to be accepting of immigrants; whereas, in the past, this state has really invited immigrants to do labor that citizens would not do. Now, because of the stresses that are taking place which are unrelated, frankly, to the presence of immigrants, the aerospace industry, the computer industry, the banking industry, all of the changes that are going through in those industries did not occur because of immigration either legal or undocumented.

Also related to bias crime is the proliferation of violence generally. We are becoming a much more violent society. The violent crime rate in the United States is more than double what it was in 1970 and we are seeing this particularly in the area of juveniles. Juvenile crime has risen tremendously. Juvenile homicides over the past decade is up over 80 percent. As long as we have in our culture a glorification of violence and an acceptance of it, this connection to bias crimes is going to remain.

In addition, as mentioned before, youth in schools is another area where we're seeing tension. In a nationwide Harris poll in 1990, half of those questioned said they witnessed racial confrontations and a majority said that they would actually participate in a bias assault if they saw one going on. That is extremely troublesome.

The last couple of factors which are going to affect us in the coming future are international disputes and terrorism. Because California is really an international community, not just a state in the United States but in many ways one of the most diversified jurisdictions in the world. We're going to be

affected by conflicts that take place around the world and we have to be prepared to respond to that.

Additionally, while I do not want to over-emphasize the threat that hate groups pose -- in fact, less than 5 percent of hate crimes are actually committed by members of hate groups -- when they do commit crimes these people are much more likely to be involved with serious violence and murder. So what we find is while they commit a very small number of these crimes, the number of bias homicides, for instance, are disproportionately represented with offenders who are members of either organized or loosely knit hate groups and we have to be careful to monitor these developments. One of the things that's unfortunate is that it appears that it's only going to be a matter of time, because of the access to sophisticated weaponry and the glorification of violence and the fact that these groups are so hard to keep track of, that one of these types of groups will be involved in an incident that becomes an incendiary avalanche for a community at large which is extremely problematic.

In closing, minorities fight minorities is another trend that we're seeing. One of the things that we're finding is that in the past where it would be white on minority, now we're finding everyone is attacking everybody, which is unfortunate. For instance, in Los Angeles 51 percent of those arrested in 1992 for racial hate crimes were either African American or Latino. And we see many of the housing disputes where neighborhoods are being integrated not necessarily between merely Blacks and white but between Latinos and Blacks. That is a disturbing development that is taking place throughout the country.

It's also something that is directly related to continued skepticism regarding governmental authority and a regression back towards the in-group. Institutions such as the church, the state house, police departments are not as respected or trusted as much as they were in the past. Because of that, people are reverting back to what they feel comfortable with which is their own in-group.

Because of all these factors, even though many of the jurisdictions in California that report bias crimes will report either slight declines or even numbers of incidents for the previous year, we cannot let that put us into a false sense of security. As I said, it's more important to look at the underlying factors than it is to look at a year-to-year change in statistics reported to law enforcement which are highly variable.

Some of the suggestions that I'd like to see taken in California have to do with data collection. California is notable in that it has a model statutory response in many respects, but in one area it lags behind the rest of the country and that is in data collection. States like New Jersey, New York,

Maryland, Illinois, all have established systems for reporting hate crimes. Many of them also integrate incidents that are not technically crimes so they can look at communities that are proactive. In other words, they can look at incidents that are not yet risen to the level of crime so they can have a proactive response.

In addition, law enforcement training is necessary because if we're going to have good data collection and a proactive response we have to have the development and implementation, a group host of a comprehensive system for both in-service and recruit training.

Also, it would be nice to see, as a condition for promotion within police departments, that something be done with regard to training of supervisors. As we saw in Los Angeles, when this does not happen it sets a very bad tone for the department which can put a whole community into turmoil.

In addition, it would be nice to see advocacy groups such as Communities United Against Violence or the Gay and Lesbian Community Services Center have greater access to funds to help victims, particularly because in certain communities, such as the gay community or the Asian American community, victims are less likely to go to official jurisdictions to respond. They'll respond perhaps more to advocacy groups.

In addition, probation departments have been neglected. Since many of the people who commit these crimes are juveniles, they get put into a system where probation is the area that is going to have authority over them, yet their budgets are being cut and there really isn't an adequate system to deal with these offenders. And the tragedy of it is, recent studies show that while it appears the majority of offenders of these crimes are youthful offenders or juveniles, the vast majority, 60 percent of those who commit these crimes, are not hard-core bigots. A Northeastern University study found that the majority of people who commit these crimes commit them for the thrill of it. Commit them because they think it's a society sanctioned way to have a good time. And that is something where we can rehabilitate young people who do this.

And lastly, I would be remiss if I didn't mention the terrible, in my opinion, the immoral stance that many have taken in this state regarding immigration, particularly undocumented persons. And it's not just here in California, it's across the country. One of the things that I would plead for you to do is to run counter to the current climate of subtle bigotry and to protect affirmatively the rights of undocumented persons from violence. How do we do this?

Well, in San Francisco there's a sanctuary ordinance. In Los Angeles there's a special order...

SENATOR MARKS: There's not a sanctuary ordinance by reason of Senator Kopp's bill.

MR. LEVIN: That's right.

SENATOR MARKS: He repealed it, which I voted against.

MR. LEVIN: That's right. Senator Kopp's bill, I think, is retrograde with regard to the protections of rights of undocumented persons.

One of the things that we're seeing right now is a system set up where a person is in this country as an undocumented individual, if they report a bias crime they're going to be deported and the person who commits the crime against them is more likely than not going to go free. It is far greater in the interest of justice to protect the rights of all individuals, whether they be citizens or not, under the jurisdiction of this state -- and California is the home of 40 percent of the nation's immigrants -- to send a message that whatever our opinion on immigration reform and immigration rules that we have to send a message that these people are not legitimate targets of violence, and we have to take affirmative steps to protect them.

Unfortunately, there was an amendment to the crime bill that would repeal funding for jurisdictions like San Francisco that would not fully cooperate with federal authorities regarding undocumented status. I think that is a terrible mistake and I would urge the Judiciary Committee to rise up against that and pass legislation that would put a statutory bar saying that any person who is a victim of a hate crime in this state, any evidence collected in the course of that investigation shall not be shared with Immigration authorities or military authorities when the target of that inquiry is the basis of their status. Because of that, I think it would be very important for us to take a proactive stance.

I know it's something that stands in the way of what might be the popular political climate but one thing that we know is that people this society, particularly those who commit hate crimes, act in what we call a "printed circuit of stereotypes." They're not going to assault those that are regarded as being authority figures in society. They're going to go after the loosest link in the chain: those individuals such as gay individuals or immigrants that are regarded as legitimate targets of violence not being worthy of having their rights protected. And if we take an affirmative stance, I believe that we can send out not only a message but also protect them and encourage them to report these crimes without the fear of being secondarily victimized by the institutions that are supposed to be there to protect them.

Thank you very much.

SENATOR LOCKYER: Thank you. Senator?

SENATOR WATSON: Yes, Mr. Levin. Have you done any research on the educational system and their lack of or how they are preparing their students to live in a multicultural society? Have you tracked that in the schools?

MR. LEVIN: Yes. There are some wonderful programs out there. ADL has A World of Difference. Southern Poverty Law Center is teaching tolerance. The National Conference of Christians and Jews also has a program. But what I think is important is that if we don't institutionalize this into the schools we're going to have people who are growing up ignorant. And because of that, when they are put into situations where they're under stress or frustration or seek peer validation, what they're going to do is lash out at those people who they are uneducated and ignorant about. And without the kind of diversity training that has been proposed and unfortunately has not been signed into law or funded in California, without that I think any of the criminal sanctions will really fall short.

I think you're absolutely correct. Hitting this in the schools is probably the best way to do it, and that's why, for instance, Southern Poverty Law Center, which for years has been targeting individuals with lawsuits and very heavy displays of legal maneuvering, they're now shifting their focus to schools and I think we can learn a lesson from them and institutionalize it so that it's a condition for graduation, that people have some awareness of the community in which they live. Because, unfortunately, the way that we are taught in California and across the country is very much a eurocentric curriculum that does not really encompass those who are representative of the community in which they live.

And one of the things that I have to say, here in California we do really lead the nation in our statutory response to bias crimes. But we also have to lead the nation because of the various fissures and pressures that this state is under both today and over the coming year. And that's why I would urge you, when you see some minimal declines in 1993 in some of these jurisdictions, because 1992 was a record year, don't sit back and say, Well maybe we won't have to put in educational programs or data collection or law enforcement responses. It'll just give us a breather to catch up with something that is occurring at breakneck speed.

SENATOR WATSON: One of the interesting sentencing just recently with the skinhead is he has to go to the Simon Rosenthal Center and teach some classes. They're doing something there that's good and they're doing something in these programs. We need to incorporate that into our schools. We don't know how to do it as well. And I hearken back to Latasha Harlans -- if the grocer would have understood the community and the community would have understood the

grocer we would not have had that tragedy. So some way we have to bring these programs together in our schools.

MR. LEVIN: Absolutely. And also, we have to have these programs developed for these juvenile offenders because the worst thing you can do for most of them is to send them to jail. If they weren't a hard-core bigot when they go in, they'll be a hard-core bigot when they get out and we need a coordinated program with aftercare, follow-up, and some kind of diversity and sensitivity training for these people. Unfortunately, 422.95, which encourages programs for juvenile offenders and others, does not have a system for promulgating a program or funding it. So it would be nice to see that as well.

SENATOR WATSON: Thank you.

MR. LEVIN: Thank you.

SENATOR LOCKYER: I think there's some additional questions. Assemblywoman Lee?

ASSEMBLYWOMAN BARBARA LEE: You heard Lt. Governor earlier mention that the Governor had vetoed my bill that would actually institutionalize this type of curriculum in the schools. He's done this for three times now. I wanted to ask you, how do you convince policymakers and government officials that inaction on their part creates the environment for bias related crimes and that there is a correlation between those factors which you mentioned earlier which trigger bias related crimes and the actual incident? I mean, how do you convince people that that is true and they must take some action?

MR. LEVIN: Unfortunately, I don't really think a lot of debate is really necessary. If one looks at the current studies that are available and the current instances of intergroup tension on not just high school campuses but even going right in to the grade schools, I think that speaks far more eloquently than any policymaker could. In Medford, Oregon, for instance...

SENATOR LOCKYER: Well, see the problem is you're hearing from the crew who are saying the captain of the ship doesn't get it. What are we supposed to do about that? Don't tell us the evidence is overwhelming. We're persuaded! What do we do with the captain? I think throw him overboard. But that's the problem we're confronting and we're frustrated about because we've all given it a try. Now, mine got signed. You know, the Governor said, well I signed Lockyer's so I can veto all these others now.

SENATOR WATSON: I just want to intervene on that. I think it would really help if staff at universities, where they not only have your center but they have the center for a more conservative thought, would start proposing or recommending legislation and publicize it and come and testify and get learned scholars like yourself to come might be helpful. Talk to the Governor; he's

got the veto pen.

SENATOR LOCKYER: Especially if we can get Hoover to do it.

MR. LEVIN: These opinions that I expressed are my own even though I do have a position(?) there.

SENATOR LOCKYER: We understand.

MR. LEVIN: But what I would say is the same thing that I say to anyone: I will meet with any civil rights group or government agency anywhere in the United States free of charge...

SENATOR WATSON: Actually, you should meet with the Governor.

MR. LEVIN: I have met with U.S. Senators, I have met with people from Congress. I have even talked about this with Supreme Court justices -- one Supreme Court justice, excuse me. One of the things that I think is important, if myself or anyone who has access to these facts could sit down one on one with an individual, as I did with the Attorney General, and say, Look, here are the facts, these are the pressures that are affecting this state, I would hope that as a reasonable individual that he would respond.

Unfortunately, some of the rhetoric coming out of the Governor's Office has been personally disturbing for me, such as changing the 14th Amendment to deprive citizenship rights which is something we haven't heard for 100 years. In addition, the lack of concentration for civil rights within the present administration has been a bit disturbing and I think it's something that really has to transcend political boundaries. It's something where we are determining the course of our community here and whether we like it or not, the factors are there: we are changing both in complexion, we are changing as far as our economy is concerned, we're changing as how our law enforcement responds. And if we sit back and don't respond to these changes, I think we're going to see situations where whole communities can be put at risk, and just as in Los Angeles, people like the police chief there, Darrell Gates, I think should be held accountable.

It would be my pleasure to meet with anyone.

ASSEMBLYWOMAN LEE: Senator Lockyer, maybe then, as a follow-up to this, perhaps next year early on we can set up a meeting with the Governor and/or his staff and Mr. Levin and other scholars who they may listen to.

SENATOR WATSON: And the Attorney General.

ASSEMBLYWOMAN LEE: And get a sense of the factors which, if they don't take action, could create a more violent society.

SENATOR LOCKYER: It's certainly worth a try.

MR. LEVIN: It would be my pleasure.

Just let me say this is not a political issue as far as I'm concerned. The

protection of civil rights is not a Republican or Democratic issue. We have, for instance, in the Senate people like Oren Hatch who is a particularly conservative Senator supporting bias crime legislation. It is only when these things get caught up -- for instance, the immigration debate -- as a political tool to improve one's position in the polls, for instance, where we really put our communities at risk. Unfortunately, when you take certain groups that are really powerless to respond to these things, like the immigrant community, we're really making political mileage on the backs of people who are far too vulnerable to be able to support those kind of pressure. And we're seeing horrible kinds of victimizations taking place where undocumented women, for instance, are being raped, people who are coming across the border are being beaten or having their possessions stolen because they know that there is no real sanction. And the same thing applies to African Americans to a certain degree, gays and other groups.

It's not a political issue. Whatever one feels about homosexuality or immigration reform is really separate from the fact that as George Washington said, "All that is required for someone to be in this country is a good heart and a service to this country." And as long as we stick to that and hopefully can keep it out of the sticky political milieu that unfortunately is taking place here and unfortunately within the State Legislature as well, where we have had comments about immigrants driving out the white man race and another legislator talking about being "Jewed down" and things like that, that sends a very bad tone. A certain percentage, a certain small number of people in this state responds to political rhetoric, responds to entertainment and musical suggestions that certain people are not legitimate, and that results in scapegoating and a certain small number will react violently and we have to respond.

SENATOR LOCKYER: Senator Marks has a question.

SENATOR MARKS: Let me ask you to comment a little bit further on Senator Kopp's bill last year which sought to repeal the sanctuary ordinance in San Francisco, a bill which I voted against. Now, what is your comment on that bill?

MR. LEVIN: I believe that bill is retrograde. First of all, it is not the authority of the states to enforce federal law. Now, I know he has limited it and worded it down a little bit but I think it sends out a bad tone. And what happens is, even in the area of immigration reform and bias reform, for instance, when we get hooked up to an issue which there might be legitimate points on both sides, what happens in the political arena and the media arena is it sends a message that undocumented persons are lawless and that's really,

I think, not the case. I think what we have to do is work on having the federal government develop a workable strategy for implementing immigration policies. I think the worst way that we can deal with immigration reform is by limiting the rights broadly of those people who are most vulnerable in this society. That is the most cowardly way to take care of what is certainly a legitimate problem in this state. But certainly, I think we can have the fortitude to stand up and not have immigration policy dictated on the basis of what I would consider subtle bigotry.

SENATOR MARKS: Well, you're saying retrograde. Do you mean that it will be upheld unconstitutional? Is that your opinion?

MR. LEVIN: No, when I say retrograde I think it flies in the face of anyone who is committed to the existence of civil rights for anyone in this state. Unfortunately, some policies are certainly constitutional and unfortunately we're still developing in this area what are the rights of non-citizens. But I think the way to look at it is any person under the jurisdiction of the State of California should have the protection of the laws of the State of California, whether they be gay, a religious minority, or whatever, and the fact is is that we are schizophrenic about our policies in the area of immigration. What we're doing is, because we don't have a firm national policy on immigration what we're doing is we're allowing laws to be passed that will result in violent victimizations of individuals who are here undocumented and that is wrong.

If we want to change the immigration policy, the way to do it is in a responsible, methodical way with the coordination of federal and state authorities. It shouldn't be done in a manner that will take those people who are most vulnerable in this society and set them up as sanctioned targets for violence and exploitation.

And I can tell you that there is a clamoring within the civil rights community now -- I can't give you the names of the groups because they're still looking into it -- but there is a horror and disgust at what is going on, and I'm working with federal authorities right now to ensure that the laws be changed so that people are protected not on the basis of citizenship or the fact that they are heterosexual but on the basis of the fact that they are persons under the jurisdiction of the particular place. That should be the litmus test. There shouldn't be any other thing but presence. Presence should be the litmus test whether someone has their rights protected, not citizenship or anything else. Otherwise, what we are setting up is a society where we will legitimize differences, we will become very much more of an apartheid society with relation to sexual orientation, to race, and to undocumented status.

I would urge the committee to take proactive reforms to protect these people. It's something that we're seeing right now if a prosecutor brings a case with a victim who is an undocumented person, although the interest of justice is far in the position where the rights of the undocumented person should be protected. If we can protect hardened criminals because they turn state's evidence, certainly we can protect people whose only crime is the desire to be in this country. And what happens is before a charge can even be brought, oftentimes the person is deported and the criminal goes free, and I think we should work on developing a law, as I said, that prevents that from occurring.

And I would also say to you that I'm sure that that law would be challenged. There are numerous groups, I'm sure, sitting in this audience that would join me in working it through the courts to make sure that the rights of these people are unprotected. Unfortunately, within the political establishment, within the media establishment and other areas, the voices of these people are not being heard. As far as I'm concerned, you know, unfortunately, it's really a disgrace that we're not standing up for this.

Let me just, before I close, my father was in a Nazi prisoner-of-war camp -- and this is one of the motivations that had me get into this area -- and when he was in there they threatened to spike him up to a moving train and murder him. He had heard that Jews were just falling off and vanishing off the face of the earth and he didn't know what was happening to them. In many ways it's analogous to what's going on in this country with whole groups of people, the violence that is perpetrated against gay Americans and undocumented persons.

And the reason I'm concentrating on them is because unfortunately in the media we do not get that exposure within the political arena. We don't get that exposure because for various reasons people of that status group are afraid, and what's important is that we stand up. This is what political leadership is for, and as I said to people privately, I would rather, if I were a politician, and probably because of the way I speak I probably will never be one, but if I were I would much rather lose on principle in protecting those who are the most vulnerable in this society than stand on the backs of those and get political points on those who are least able to withstand subtle bigotry that already exists.

And for that reason, it is you the Legislature whose job it is to protect these people, and I would guarantee you that myself and others would vigorously fight with you any challenge to any law that the State of California passes that protects the rights of all persons within this state, and I'm sure there

might be challenges. I'm trying to get the federal authorities to do it as well and it is not an easy task but it's something that we have to be responsible for. Limiting people's rights and subjecting them to exploitation and violence is not a substitute for responsible political debate nor is it a substitute for adequate measures on immigration.

And with that, I thank you for having me today.

SENATOR LOCKYER: Thank you, Mr. Levin.

As you see worthwhile legislative efforts in other states, I hope you'll be sure to communicate with us programs or policies that seem to be successful elsewhere.

MR. LEVIN: Certainly. And just let me thank you, by the way, in fact the whole committee because I know that you and Ms. Watson and Ms. Lee and others have been at the forefront of really putting together a body of legislation that is serving as a national model. And when I go to states like Alabama and Delaware and New York and Missouri and the other states that I've been to, the first thing I bring is my California Penal Code and open it up and I say, "If nothing else, photocopy it and pass it in your state." Right now, unfortunately, while we have a good infrastructure of laws what we need is the funding, the resources, and the political will of those who are in leadership positions to make sure that it is implemented, and I will work with you and appreciate the opportunity to appear before you.

SENATOR WATSON: May I ask a question of the Chair? Do we have any data that shows the cost of hate crimes in California?

SENATOR LOCKYER: None that I am familiar with.

SENATOR WATSON: That might be something we can do, staff can do as we try to pass new legislation because I know the Governor vetoed my bill because of the cost but the Attorney general said he could absorb the cost. I think if we had a data base it might help us in trying to convince him. It pays to pass this kind of legislation.

SENATOR LOCKYER: Good point.

Let me acknowledge Senator Art Torres from Los Angeles who's both chair of the Insurance Committee and has been a member of both the Senate and this committee. Welcome.

I guess we have clusters planned in terms of little panel presentations at this point. Supervisor Mary King is, I believe, in the first group but I don't know exactly whether there are others contemplated. Ms. King, have you ever had to testify before yourself here? (Laughter.)

SUPERVISOR MARY KING: No, but I'll be brief. I have work to do.

SENATOR LOCKYER: What do you recommend? Should people just pull up a

chair down here?

SUPERVISOR KING: We don't have a full panel so Sharon and I will speak, and we have some expert witnesses who will be here and just come forward if that's okay.

SENATOR LOCKYER: Okay, fine.

SUPERVISOR KING: Senator, thank you for allowing us to be with you today and testify.

First of all, I want to associate myself with Lt. Governor Leo McCarthy's comments and then I want to take some exception with the scholarly presentation that was directly before us, as I heard, that insiders and people with power and authority are not the victims and I stand before Barbara Lee and Diane Watson and others who I'm sure have been the victims, including yourself, Senator, for having spoken out on behalf of minorities and others who should be in protected classes.

As you know, I worked in your office and got the phone calls, Bill, from people whose language and whose conversation would be enough to intimate the normal person, and in the district that you represented at that time you continued to speak out and gave me some of the courage that I had to come forward. I want to thank you for that and acknowledge it.

The issue that I speak to you today about is one that is more subtle, that I think as insidious in nature as the violent crimes that are perpetrated as a result of hate in our society because they are meant to stop those of us who are willing to come forward and speak out against that violence and against that more public hatred.

I am joined today by my very good friend and colleague Sharon Jones who will speak to you specifically about her experience as having been a whistle blower against racism and hatred in big league baseball and the result of what happened to Sharon as her having spoken out, which is, in fact, not, I think, protected under the law in the way that it should be.

The incidences, as you know, of stalking and harassment of innocent people are on the rise. I don't need to go into that but there are several local women, and not only women but also some men, who have been in the public eye and recently have experienced harassment meant to intimidate, terrorize and torment them for no legitimate purpose.

Increasing numbers of women assuming roles in industry and in politics that are public who are willing to come forward are being faced with factors and tactics that are meant to stop them from speaking out, that are meant to intimidate them, that I don't think would ordinarily happen with the same degree of vehemence to traditional leaders of industry and government: white

males. And I think we need to look at that.

I propose today that the State Legislature expand its current laws prohibiting stalking to include what we describe as "aggressive pursuit". You'll hear that in San Francisco from Supervisor Angela Alioto who has also been a victim, I think as a result of her gender. And ours we would like to extend to not only as a result of our gender but also as a result of our race.

This term originally was introduced by Supervisor Alioto. It's defined as "willful, malicious, or repeated following or harassment by another person included, by not limited to, willful and malicious communications by telephone, modem, facsimile, or mail with the attempt to cause annoyance, intimidation, or fear on the part of the person being pursued." This broader term is significant because current law requires a credible threat with intent to place that person in reasonable fear of death or great bodily injury. I would suggest to you that many women have experienced harassment that didn't necessarily include a threat of death or bodily injury, yet the stress caused by the constant harassment, intimidation and terrorization can cause very real physical and mental pain.

We in Alameda County as in San Francisco are exploring the idea of establishing a law to prohibit aggressive pursuit in our local jurisdictions but we'd be happy to yield to the state if you're willing to amend current stalking statutes to include aggressive pursuit.

I'd also like to see such harassment be clarified as a hate crime where appropriate. In my own situation, racial and gender slurs were a prevalent part of that harassment. And I can say that since I became a Supervisor in 1989, when the letters and communications by phone began I thought that was just a part of the job and that was something that was okay and that I could deal with it. And I'll accept that even now because as an elected official we may have to be subject to certain degrees of harassment. But I think we must establish laws that protect our citizens, and you'll hear from Sharon Jones but you won't hear from some others who are not here because the insidious nature of this kind of harassment causes you to internalize it and say, Maybe I'm being too sensitive about this. And greater than that the insidious nature causes you to say, That to protect myself and my family I'm not necessarily going to continue to come forward and speak about these issues.

I'll say in closing, I've given you the information that I think you need to look at, and that because I thought it was okay to do it for the first four years of my career -- and you'll hear from constituents from Castro Valley who have spoken out strongly against race and hate-related crimes and their experience -- what I realized was that if I'm stopped when I represent a

district like this by words or the threat of violence, then these people don't have anybody to stand with them. So I would hope that public officials can be included.

The file that I have before me that I will share with you is a history of one specific incident with the numerous letters that were received by myself. I didn't know Sharon Jones was receiving these letters, that Barbara Lee is mentioned extensively in these, Mayor Elihu Harris describes terribly derogatory language placed upon his race, and many of the press members who are present have received these letters. We kind of were just taking them and saying, It's okay, that this person is just "out there" and, you know, "sticks and stones will break my bones but names will never hurt me" when, in fact, they do hurt. And when I heard from real citizens like Kathryn Green, who you'll hear from later this afternoon who also received them, that she was hurt and from Sharon Jones that she was hurt, we decided to pursue this and we, in fact, found -- these people are cowards, they never sign their names, they call your office in the dark of night and leave messages on your answering machine -- but, in fact, we were able to find the person who had sent all of this literature. And this is not directed personally at him but he happens to be the one that we can document on and I hope you will look at this documentation.

And so we turned this over to a law enforcement agency who, in fact, found the person, documented all of this and were found that under the law, because there was no use of force or threatened use of force, the matter is not chargeable. Well, I think there ought to be a law and so I come here today just to say to you I think there ought to be a law. I'm not a professor, I don't know what it should be, but I trust you. I know that you're a steady lawyer yourself now, Bill, and I know the rest of you have been here doing this work and I think that you could probably find the law to help us be able to do our work down here on the ground.

SENATOR WATSON: Let me just say, if we could take it in to the area of syndicalism -- I passed several years ago SB 267 which allows you to stop the action. You know, the speech can go forward but when you say to the guy standing in the park, and they all have KKK on their T-shirts, that here's the gasoline can and match and there's a gasoline station, you can stop that behavior prior to the action provided they've done it before. So everyone gets a first shot. Some way we've got to find if he's conspiring with someone else. It only takes two people.

SUPERVISOR KING: Well, I don't think he's conspiring, Senator, but I don't know.

SENATOR WATSON: Does he have an organization?

SUPERVISOR KING: Not this individual. I don't know how you can deal with this because we're not trying to violate anybody's right to speak but we also don't like ours being violated. It's our right to speak for what's right and the hate language can stop us.

We'd also ask that in any legislation that people who are convicted under whatever these statutes be forced to register so that then our law enforcement agencies have a better way of picking them up when these kinds of things occur.

ASSEMBLYWOMAN LEE: I just wanted to thank Supervisor King for representing myself so well in this. Oftentimes it takes a lot of courage to come forward with this kind of information and take a position on these issues if you are a public official, and yes, I deal with this stuff on a daily basis because, one, I'm Black; two, I'm a woman; third, I'm an elected official; fourth, I have some very controversial issues which I deal with. It is a serious, serious problem but oftentimes we don't come forward and deal with it as forthright. So I just appreciate your being here and putting it on the record so we'll have a handle on what we need to do now.

SENATOR WATSON: And we'll be open for any other kind of proposals, Mary, that you might want to transmit to us.

MS. SHARON JONES: Senator Lockyer and Judiciary members. I'd like to thank Mary King for standing with me and for the Oakland community for being by my side through all of the hate mail that I have received.

I didn't prepare anything, I don't have any notes. I'm not a scholar but I feel duress of the person that is writing me. I have broken out in bumps from head to toe. I'm certainly very nervous here today; probably more nervous than I would have been if I otherwise had not received the mail. I just want you to know that I'm very thankful that you're taking this seriously, and I have a feeling that we're going to do something about it here in California.

I called Mary King and told her about the hate mail I was receiving and we were talking and I described the writing and how it slanted so far to the left and Mary said, "I'm getting hate mail and that sounds like the same person." So we met and we shared it and we took it to the police. You know, Oakland did good police work. We have our chief who took it seriously, Sergeants Gasten, Nicholson, Knutsen who took it seriously. They did such good police work that they actually found and identified the person. But what happened? He's still roaming the streets. He's still writing me. He's 73 years old. He doesn't meet the prototype that your scholar says are mostly young people. This is a retired person who's made an avocation, a hobby out of writing us and harassing us.

At Mills College I went to the president -- I'd just started a new job -- and I told her that I needed to speak up. And she said, "If we can't speak up at a women's college where can you speak up? Please, speak up. At Mills College we've trained you to be a leader. Please lead." And I decided that I would speak up and then she started getting letters. And then the president of our board of supervisors of the college started getting letters.

I'm here today with our Director of Public Safety Claudette Boudreau. She has seen how I felt when my window was broken, how I felt when I got these letters and how I looked when she saw me reading the letters. She sat down with me with the FBI and with the police and so she knows that my hand was not steady.

But I need for you to do something. You know, scholars can research it, they can talk about it, they can write about it, but they don't vote, you do. So what are you going to do about it? We need to do something about it.

Now, I have my own designated scholar with me today, my husband who's a Ph.D. and sociologist from a local university. He's there, he sees all the bumps from head to toe. He sees how I feel when I come home and I need for him to come and support me now.

SENATOR LOCKYER: Good morning.

MS. JONES: This is Dr. Terry Jones from California State University who is a sociologist who hasn't studied it; he's felt it, he's seen it.

DR. TERRY JONES: Good morning.

I am not necessarily here to speak as a scholar. I'm a professor of sociology and social services at Cal State University, Hayward. But more importantly to this situation I'm a husband and a father.

I talk about this stuff in class, I research it, study it, but then when it comes into your house it grips you in an entirely different way. When you see your wife visibly upset, when you see her shaking, when you see her becoming physically ill before your eyes it touches you in a different way. When you have to begin to make special precautions about where your children are and when they don't come home at exactly when you thought they were going to come home it really grabs you in a different way because you think some nut is after them or some stalker is after them. When my wife does not come home when I thought she was going to be there I begin to get particularly concerned. When she goes out to start the car I'm a little concerned about that. Coming in late at night. I've installed lights around the house. I do not necessarily consider myself to be terribly violent or interested in firearms but I've been quite concerned about should I begin to arm myself, should I begin to take extra precautions, maybe she should not have spoken out. And then we began to

talk about it and began to think and I looked at my children and I said that I'm very proud of my wife for having stood up. I'm somewhat ashamed of myself for even having the thought that she should not have and thinking of the extra precautions that we've had. I'm quite pleased with her action.

I'm quite pleased with her action, I'm quite pleased with the support we've gotten from Supervisor King and some of the other people in the Oakland community who have spoken out. I thought I'd never say this because I've done some very critical studies of the police. I'm even pleased with the work of the Oakland Police Department in actually being able to track down this one person in this particular case.

I'm a little taken aback, though, that we find that there is no legislation on the books that can stop this person or similar people to him. So I ask you as legislators, I ask you as people, hopefully, of good will to tighten your belts a bit and to take this beyond the political arena. I understand the nature of politics and I understand the nature of looking around and seeing where the votes are and seeing how that process works. But I ask you to step beyond that, to begin to think what extra you can do to begin to get a grip on this.

I ask you to look beyond the whole notion of hate. I ask you to look to our economy and look to what causes these conditions. You know, the whole notion of Ku Klux Klan types, skinheads, those people and even the rising retaliatory hatred on the part of people of color. I ask you to look beyond that and look to the causes of that. We're rapidly moving into a society in which nihilism and anomic behavior is becoming commonplace. We're moving into a situation in which people feel no hope. They feel no place for themselves in this society. And when they reach that condition they begin to want to lash out and this is the skinhead, the Ku Klux Klanner, the Black man, whoever, will lash out.

And if you as legislators don't understand this, it's more than just about hate, it's about the conditions that breed and cause hate. It's about hopelessness, it's about unemployment, it's about a condition in which we all feel threatened within the context of this society. It is much too simplistic to view this just as a matter of rising violence. Why is that violence rising within the context of this society? And it's not just about Democrats and about Republicans. It's about the very structure of our society. It's not about increased immigrants coming in to the country but we have to ask the more important questions about those immigrants coming in: As they come in, who do they displace, and as they displace people what kinds of tensions does that cause? So I ask you to look beyond the sore, look beyond the cut, and look to

the endemic cause of the bleeding.

Now, what I would suggest we begin to do right now is look at our own situations, look at our own responsibilities to see how we can step beyond those. I think I can care for my wife. I think I can care for my children. I think I know how to watch out and avoid violent situations. But I ask you, in a country supposedly like the United States should I have to be concerned about buying weapons and having a fence, electronic devices to protect my home only because my wife expresses a concern about racism and bigotry within the United States. I would suggest to you that it ought to be about more than that in this society.

And what I would really urge you to do is to step beyond this notion of politics, that you are fairly intelligent people, you're fairly influential people. What really has to happen to begin to get at the root cause of hatred and violence within the context of this society. Scholars can't do it. We don't vote in any significant numbers. You know who votes and you know how to pull and put that leverage on people. So I would suggest to you to begin to speak out yourselves, begin to put it up on the front burner. Racism runs rampant in this society because people that you know don't speak out, don't put it on the front burner, don't have it as the prime number one agenda within the context of this society. This old sucker who's harassing my wife should be insignificant, inconsequential if we had people like yourselves who would begin to stand up and shake the right tables.

So I thank you very much for coming to Oakland and I thank you very much for listening to me and listening to my wife. I only hope that you will leave here with a new resolve to take this beyond the political arena and into an area where we can reap some fruit from this. So thank you very much.

SENATOR WATSON: Terry, before you leave. There's a new phenomena -- the National Black Caucus of State Legislators just left Denver and we're finding that there are people who are fascinated with the "Rush Limbaugh" types and our organization, which is a national and international organization, was taken on by an African American who is the African American Rush Limbaugh, and what he did was to appeal to the basic instincts of the bigots and racists there right to the point of calling us spooks and dark town dwellers. This is a Black guy. And getting away with it because he gives credibility to the kinds of criticisms he did and he said over the air. We are going after him in a national way in terms of the advertisers, in terms of the airwaves, in terms of FPC and the abuse that we took at his mouth.

But I mention that to you because as you do your sociological research you might want to include in it this new thing that's coming out where people are

benefiting and profiting behind attacking groups. Liberals, Rush Limbaugh, you know, egg-sucking liberals and so on. This guy picks it up and puts a color on it. It becomes very dangerous because he has awakened the Klan in that area who had responded on the radio. He has awakened the NRA and all other dark thinking people outside dark color. So I mention that because we have a real job to do and as you teach in your classes you might indicate too that some people for money and profit, you know the thirty pieces of silver, will turn against their own. The same terms that the oppressor uses.

DR. JONES: Absolutely. One of the things to keep in mind, you know, is for an assembly like this you roll in sociologists and scholars but kind of keep in mind, I am old enough to remember the Watts riots and before the Watts riots sociologists were around announcing that everything is fine, that we're just a few blocks away from the promised land, and then all of a sudden the riots hit and sociologists were caught with egg all over their face. We're very good at studying stuff after the fact, not terribly good at doing predictions. So you might want to hear from us but my suggestion to you is it's going to take some roll-up-the-sleeves kind of thing and doing some investigation on your own.

Two books that I would suggest to you as you do your deliberations and I think that they're kind of forward-thinking in this matter, Derek Bell's "Faces At the Bottom of the Well" I think offers some unique solutions to those of us who are concerned about matters of race and inequality in this society. And Cornell West's "Race Matters" is an excellent book that would be good for you to read.

And also, the people that you're talking about, the people who will be bought for a couple pieces of silver, the oldest expression, you know, "I knew he would be bought, I just didn't know it would be so cheaply," and that tends to be the case in many instances. But please keep in mind that if it were not for this rising wave of nihilism that's taking place in this society and the anomia(?) setting in, I think you'd find that people would not be duped so easily by these pundits of the media as they are. But I just kind of think in terms of getting back to what I consider to be our real cause, is that the fabric of society is crumbling before our eyes. The economy is crumbling, the political process is crumbling, when you think in terms of how you were elected and what percentages of votes did you receive, and in the last election I think for President, what, 40 or 50 percent of the people voted. We're losing confidence in you.

ASSEMBLYWOMAN LEE: First let me just say I appreciate your eloquent testimony, also Sharon's today and being so straightforward with what the basic

issues are. One, you indicated the underlying conditions we have to really look at in terms of the type of environment that that's -- the unemployment and all those social and economic factors they're creating in this state and in this country. Also, we do have to look beyond politics and we've got to get out of our roles as legislators and move forward in other capacities while we are attempting to make laws.

What I wanted to indicate to you is that what we have to do in this state as legislators in that political environment, because we are operating in Sacramento in a political environment, is to create public will and public opinion that will get behind us in what we are attempting to do so that some of these laws such as the ones that Supervisor King mentioned and Sharon mentioned earlier can actually be enacted to begin to create an environment so that this stuff can be changed.

So I just wanted to make that statement to you because that is the context in which we are operating and we all believe and understand and know exactly where you are and what you're saying because that is exactly where we are, at least I know on this committee and in our house are on that and we just need your help and we need the public's help in our capacity as legislators to move this forward.

DR. JONES: I hope I'm not sounding too harsh or too critical.

ASSEMBLYWOMAN LEE: No, no.

DR. JONES: We all share some of the blame here.

SENATOR LOCKYER: Senator Torres and then Senator Marks.

SENATOR ART TORRES: Yes, Professor, I appreciate your remarks and I think that they're extremely well taken and I want to applaud the efforts of Senator Lockyer to call this hearing in the first place. I think it's historic and I think it's a move in the right direction.

There are two issues that we also need to be aware of, coming from Los Angeles as my colleague Senator Watson and I do, that there's also hatred within minority groups as well -- black/brown, brown/yellow, yellow/black. So we need to encourage our own communities to work together with each other as well.

But the most poignant statement I think you made is the issue of the economy. I spent probably the most wrenching day of my political life yesterday in Oxnard, meeting for the first time of all of the victims of the EDD office in Ventura and in Oxnard -- they had never apparently gotten together before -- and it broke my heart because the employees that we represent as state employees are at the front line of the pain of this recession. And the violence that you spoke of earlier is not only affecting

groups against each other, it's also a new class of groups that are being targeted by people who are so frustrated by the pain of this economy and those are the state employees that make the decisions on whether someone is eligible or not for unemployment insurance or for other factors. And yes, the issue of what type of security we provide for those public employees is very much in our minds now as we will be back in Sacramento in January. It has to be coupled with the short-term solutions as well as the long-term solutions of how we begin to get along with one another in this state.

So I appreciate your comments and I really do appreciate and am very grateful for the Chairman of this committee for bringing this issue to the forefront, and I think the recommendation of Supervisor King and your wife as well on this stalking issue, as well as Supervisor Alioto, may be the direction that we have to go because the table is now clear in terms of where rights exist and where rights don't exist and we realize now that perhaps some significant changes need to be made in the Penal Code in respect to these issues.

Thank you, Mr. Chairman.

SENATOR LOCKYER: Senator Marks.

SENATOR MARKS: I realize that this would not do any good but has your wife or the Supervisor talked to this man at all? Have you talked to him at all?

MS. JONES: We received this person's name and we have information about him, but on the other hand, I don't believe that Mary King has spoken with him and I certainly haven't.

When I got his name lots of things went through my mind: What am I going to do with it? I mean, it's like a dog being fascinated with the hub caps and chasing the car. What does he do when he catches up to the car? What am I supposed to do now that I know who this man is? I thought that I'd like to punch him out and then I said well, maybe I could write a letter to all the churches in the Bay Area and ask them to lift him up in prayer. I mean, I didn't know what I was supposed to do. So I have done absolutely nothing.

SENATOR WATSON: I have some Cripps and some Bloods, if you'd like to have them come up. (Laughter.)

SENATOR LOCKYER: A question that I have with respect to remedies is whether there's any -- we know there's not an existent Penal Code action that could be taken, but was there discussion of civil restraining orders and that sort of thing? Did that arise, that kind of possibility?

MS. JONES: That has not come up so far. Mary and I had talked about restraining orders but we have not talked to the police, unless she has.

SUPERVISOR KING: I don't know that you could restrain people from

speaking. Sergeant Knutsen, who handled this for us, is here. I don't think you can do that. There's civil action that you can take?

SENATOR LOCKYER: Were you going to speak later in the day, or do you know if there's any civil remedy? (Response inaudible.) Well, if you can't restrain someone for expressing opinions that are purely speech, no action, for the same reason she can't criminalize that kind of conduct unless there is a...

SENATOR WATSON: Senator Lockyer, what about looking at a different section of the law? I think we passed some laws that do something here with the junk mail. You know, if we could look at it a little differently and call it junk mail, unwanted mail, intrusion of privacy, clutter. There are some other areas to stop him from mailing to your home.

SENATOR LOCKYER: But perhaps there's a civil approach that then if they are violations it ripens into a criminal contempt issue before a court so there's eventually a sanction of that sort, but you start with the civil side. I don't know. We'll look into that.

SUPERVISOR KING: Can I just say that this man, I don't want to focus on him as an individual too much -- we just happened to have all of this so I thought you should have an opportunity to see it -- but this happens because it's acceptable all the time. I mean, the calls to the office. And pretty soon it does really wear on you. It really does have a physically debilitating impact and makes you think twice before you stand up (inaudible) with Sharon Jones, which should have been done and was done by her.

MS. JONES: And then I have a staff that I'm concerned about that have to open my mail. They have been trained by the police on how to open the mail. I don't want anything to happen to them or their personal safety. My mail comes to the office. Naturally, all the people in the mailroom are concerned about me and our public safety people are concerned about me. But I want you to be concerned about me and all of the other people who are receiving this kind of mail! I mean, we've got to do something about it. What am I supposed to do with the man's name? You know, all I can do is pray for this person because I understand that his constitutional rights have to be protected. What about mine? You know, I have to protect it as well. So there's a thin line. I can't step over that line and actually do anything to him because it would be very clear that something would happen to me. But in the meantime this man has made an avocation out of writing so many people here in this city and I want you not only to look at him but to look at all of these people and just see how you can do something about stopping them.

Thank you.

SENATOR LOCKYER: Thank you, Ms. Jones.

There are folks, I believe, present that would address the immigration issues. Angelo Ancheta is on the calendar. With respect to youth and schools, Fred Persily, and Diane Chin, minority on minority conflicts. I invite them to come up if they could.

MR. ANGELO ANCHETA: Good morning, Senator Lockyer, members of the committee. Assembly Member Lee, good morning. My name is Angelo Ancheta and I'm the Executive Director of the Coalition for Humane Immigrant Rights of Los Angeles which is a human rights organization which supports a multi-ethnic coalition of legal, civil rights, labor, business and religious organizations in Southern California that work on behalf of immigrants and refugees. We advocate the human rights of immigrants regardless of their actual(?) immigration status.

I figure, as all of you know, immigration reform has sort of become a hot (inaudible) and political issue this past year and elected officials on both sides of the aisle have, unfortunately, advocated for policies that really are very punitive and severely curtail the rights of immigrants here in the state.

Also, public opinion against immigrants is very high. Anti-immigrant sentiment is very high. For example, a recent L.A. Times poll found that over 80 percent consider immigration to be a significant problem for the state. Unfortunately, much of the attention and immigrant sentiment does seek on racial. It mentions in that same poll well over 70 percent found that they could not distinguish between undocumented immigrants and legal immigrants; thus, simply because of appearance for the basis for a lot of our opinions on immigration.

I think as a result of a lot of anti-immigrant sentiment it's clear that discrimination against those immigrants or those people perceived to be immigrants, immigrants of color -- Asian and Latino is on the rise -- that in the workplace, in the provision of health services, in schools and unfortunately in the streets where we see acts of violence committed against immigrants and property owned by immigrants, that is on the rise. Discrimination against immigrants by law enforcement, unfortunately is also a problem.

I think as Senator Torres and Senator Watson may know, in July of this year the INS Border Patrol, which routinely conducts stops and sweeps in the area of Southern California, actually stopped the Mayor of the City of Pomona who was Latino and arrested him because they suspected him of being undocumented.

It's clear that anti-immigrant sentiment is on the rise. It's certainly not new. We've seen this kind of violence throughout our state's history in

certain times of recession and economic depression.

It is also clear that our state is changing rapidly in the demographics as other speakers earlier and members of the committee have also mentioned. Our state is changing. It is fast becoming a state of immigrants, primarily Asian and Latino immigrants, and the ability of our society to deal with the changes has, unfortunately, placed extreme strains on human relations and unfortunately result in violence.

I do want to make one important point and that is that anti-immigrant violence cannot be separated from racial or national origin based violence. Perpetrators of hate crimes do not inquire into a victim's immigration status when they commit an attack. They rely on physical manifestations, whether it's color of skin, facial features, racial features, accents, even the type of clothing they're wearing. Thus, much of the violence committed, the bias motivated violence that's committed against Latinos, Asian Americans, Arab Americans, those groups that are most likely to be perceived as foreign-born, can be considered anti-immigrant violence.

Now, how much anti-immigrant hate crimes actually occur? This is a difficult, perhaps impossible question to really answer. As you all know, quantifying hate violence is a very difficult problem primarily because of the lack of accurate statistics to monitor hate crimes. It's particularly difficult with an immigrant community because of the barriers, the language and cultural barriers that immigrants face in dealing with law enforcement. And it's also clear that these types of hate crimes are on the rise. If we look at the groups I've mentioned, again, the groups that will be identified as foreign-born by a perpetrator, there's been an increase. Daly County Human Relations Commission has reported steady increases in hate crimes against Asians and Latinos. And having spoken to them and testified before them this past Friday, they do expect to see an increase for the 1993 tracking year.

Another problem in trying to determine how much anti-immigrant violence is occurring, or the immigrant status or perceived immigration status is not a specific category under any existing state, civil rights statute or any federal hate crime statutes. There aren't any specific tracking mechanisms to look at whether the perpetrator believed that a victim was foreign-born.

I think it's possible, though, to track anti-immigrant hate crimes. Again, we can look at race and national origin, but I think it is also possible to look at the circumstances during the commission of a crime. My own experience as a civil rights litigator, I found that it is difficult to prove bias motivation. The only thing you can rely on are statements made by the perpetrator during the commission of the act. Very common statements in

addition to racial and ethnic slurs, maybe words like "Get out of here" or "Go back to your own country." Or even a very specific remark to a person of immigration status is "wetback", that kind of slur. So even if the victim is a citizen, those kinds of evidence can be used to track and perhaps even prove liability on an anti-immigrant hate crime.

I think the major challenge, in addition to education as Senator Watson mentioned earlier, in dealing with anti-immigrant hate crimes really involves government's response to victims of hate crimes. Many recent immigrants are monolingual: they do not speak English very well. And they may come from societies with a very severe distrust of government. Because of these barriers, law enforcement simply cannot or has not been able to deal adequately with the needs of these victims. As a result, hate crimes are not going to be reported. You're not going to see statistics, you're not going to see prosecution of hate crimes.

Another barrier, which was mentioned by Mr. Levin earlier, has to do with the victim's actual status. Law enforcement, I think, does have to be concerned about the perpetrator's perception, what the perpetrator believes the victim's immigration status to be, but it should not be concerned with the victim's actual immigration status. Undocumented immigrants have every reason not to report a hate crime or any crime because they simply don't want to interact with the police. If there's any feeling that they are going to be turned in to the INS, that somehow their status is going to come out during any kind of proceeding, they're simply not going to report a crime, they're going to be quiet. They're simply going to stay away from any kind of government interaction.

Let me make a few recommendations based on these remarks. First, I think it's critical that linguistic and cultural sensitivity at all levels, whether it's monitoring, enforcement, whatever, that this has to be improved. Again, recent immigrants face very serious barriers in dealing with the criminal justice system. The language capacity is key. The recruitment of bilingual police officers, special training programs for law enforcement, even bilingual relations officers, the availability of translators in the district attorney's office are all very critical needs in terms of servicing immigrant communities. Developing better trust. Again, in many Asian communities a severe distrust of law enforcement. Having to find and develop better communication between communities and law enforcement.

The second recommendation would be to think seriously about categorizing anti-immigrant violence as a specific hate crime. As I mentioned earlier, it is inextricably linked with race and national origin discrimination as

manifested in violence we see today. Particular immigrants are targeted. Nevertheless, I think it is possible to categorize perceived immigration status as a specific grounds for protection under existing civil rights statutes.

As Mr. Levin mentioned earlier, simply to allow this kind of violence to occur because of someone's actual status, to let someone who's undocumented to be a victim of violence simply because of that status is simply unacceptable, I think, and devalues human life tremendously.

Third, I would suggest that while perceived immigration status should be a ground for hate crimes that actual immigration status is not relevant, and as I mentioned earlier, you have every reason to prevent that kind of evidence from coming up simply because it is a deterrent to people reporting hate crimes or any crime. So I would urge you to consider, say, amendments to the Evidence Code or looking at procedural safeguards at the law enforcement level that would protect immigrants from either being turned over to the INS or information being transmitted to the INS or that would bar any introduction of evidence related to the person's actual immigration status either at the pretrial proceeding or at the trial.

Again, this should be distinguished, I think as Senator Marks mentioned earlier, from statutes that require either criminal defendants or criminal convicts to be reported to the INS. We're dealing with victims, not with defendants or convicts. And certainly I don't think that Senator Kopp's bill should apply -- again, it applies in resolved(?) cases dealing with felons -- that it should not apply to victims.

Finally, as Senator Watson mentioned, education is critical. Prevention, looking at what happens in our schools, what kinds of approaches we have for educating our children and everyone in the state about immigrants is critical. We have a situation now where immigrants are being blamed for just about every possible ill, and yet, we don't look at what immigrants do positively for our state, what positive effects of the diversity of immigrants brings to our state. And in any effort to reduce hate violence against immigrants we have to look at education. And as mentioned earlier, we have to look at developing curricular changes and other kinds of public education campaigns in order to remedy this very serious affliction.

Thank you.

SENATOR LOCKYER: Thank you. Senator Torres.

SENATOR TORRES: Yes, thank you, Mr. Ancheta, for the work you do in the communities of Southern California and elsewhere.

The Times' poll, which interviewed 1,162 adult California residents from September 10th through the 13th of 1993, this year, said that 70 percent of

Californians in that poll felt that it was very difficult to tell the difference between illegal and legal immigrants in California, which goes to the issue of there is no difference in the perception of 70 percent of Californians in this poll.

It's also important that, while the poll said that there was a high number who felt that illegal immigration was a problem, it's very interesting to note the dynamics of California voters because these were 1,162 California voters. Because there's an initiative now by Pete Schabarum, who did the term limits and who claims to have some Mexican ancestor, which I've never been able to determine, who has an initiative on the ballot now to deal with denying public education and health care to the undocumented taxpayer. What this poll said was a very interesting dynamic in September of this year when it said, "Do you favor or oppose prohibiting illegal immigrants from attending public schools?" Fifty-four percent of California voters don't want to prohibit children from attending public schools. Thirty-nine percent would favor that approach. But then when they ask you favor or oppose denying emergency medical care, another thing which Schabarum wants to make illegal to illegal immigrants, 23 percent of California voters would favor denying emergency medical care while 74 percent of California voters in this poll conducted in September of this year would oppose denying emergency medical care to illegal immigrants.

So while they feel it's an important issue, they don't want to have the INS raiding school houses and they don't want the INS raiding emergency medical facilities in terms of access to medical care.

So when we're looking at drafting legislation and the 70 percent number of people who find it difficult to distinguish really begs the question of what kind of standard ought to be used in determining a specific hate crime against immigrants because it's pervasive in the Hollywood area, for example. There's tremendous dissatisfaction with Russian immigrants. The discrimination that occurs there with the influx of Russian Jews into the community and I'm sure Mr. Levin is aware of that kind of discrimination. The same thing's true of the Hmongs in the Fresno area. So how we move in that direction I think is very interesting.

But clearly, California voters cannot tell the difference obviously but it doesn't matter to someone who is bent on stalking or affecting that, and clearly, the California voters say very clearly that they don't want the INS in the classroom and they don't want to deny emergency medical care to illegal immigrants.

Thank you, Mr. Chair.

SENATOR LOCKYER: Appreciate your comments. If there are no other

questions -- Mr. Persily.

MR. FRED PERSILY: Hi, I'm Fred Persily and I'm really happy to be here. I've testified before some of you before and usually it's a mixed group where I don't feel everybody's friend. I've worked with all of your staffs one time or another in dealing with hate violence. So it's really good to be here.

I'm going to depart from my text a little bit and so I'll just leave this here, but I think my main issue here is really trying to look at hate violence as a whole and trying to see what kinds of specific recommendations can lead us to a plateau where we can really start getting a handle on it because I don't think we've gotten a handle on it yet. I've worked Fair Employment and Housing and worked with the Governor's Task Force on Civil Rights under Jerry Brown. I worked for five years writing the reports and recommendations for the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, and some of you were involved with that and most of you have been involved with introducing legislation out of that. But yet, even though we have models for legislation, California really hasn't gone very far in really dealing with stopping hate violence.

A lot of that, of course, is because of the economy. I mean, most of it's because of the economy. The immigration issue in some ways is an economic issue and some of the things that we heard earlier were causes for it. But I'm trying to tinker with the system and find ways to tinker with the system to enable us to really start bringing some changes.

One of the recommendations that I'd like to make is that you begin taking a look at the Fair Employment and Housing Act and you begin looking at the idea of removing the exclusive authority enjoyed by the Department of Fair Employment and the Fair Employment and Housing Commission to handle complaints of discrimination, to investigate complaints of discrimination. Because what that effectively does is eliminate a funding stream that could go to local governments and local human relations commissions.

We may have provided the path for other states to follow in developing programs to deal with hate violence but we're really behind a lot of other states. We're behind New York, we're behind Illinois, we're behind Massachusetts, Maryland, and some other states in terms of really local efforts to really provide assistance at the local level.

Here in Alameda, for example, you have an Alameda Hate Violence Plan. No money. In Contra Costa County, I was director of the Human Relations Commission. I set up a Hate Violence Reduction Task Force. Very little money. In San Francisco I was a consultant to the Intergroup Clearinghouse, and again, money was an issue.

But if you take a look at other states -- New York, for example, has over 240 staff involved on their Human Relations Commission. They have satellite offices in seven neighborhoods in New York. What they do in those neighborhoods is they provide technical assistance to local groups that are trying to deal with hate violence. They have volunteers set up to take reports of hate violence. They go a long way. Chicago has some real innovative programs. But they have human relations commissions that count. They have human relations commissions that have the wherewithal to do it. In California we have a handful of human relations commissions that have more than one staff person. We have between 35 to 40 commissions but only a handful have more than one staff person. We don't really have the resources and those that have more than one staff person aren't big. You know, take a look at Los Angeles, take a look at San Francisco. Those are two county human relations commissions that still don't have the staff really to get a handle on hate violence.

The block to that, the way you get money to human relations commissions in this time when we're not going to get it from the state is to allow states to contract through EEOC, through HUD, and do their own investigations of discrimination complaints and get some of that money to the local governments. That will provide the infrastructure that those human relations commissions need to really develop programs to deal with hate violence. So that's one recommendation.

SENATOR TORRES: Mr. Chairman? So give me an example. Walk us through. How does L.A. County get to...

MR. PERSILY: Okay, what would happen is L.A. County or any other county could go to HUD and could go to EEOC -- EEOC calls it a 706 agency; they have a designation -- and say, We would like to investigate complaints of discrimination and prosecute them, too. And what EEOC would do then is say, We have these standards you have to follow; we will provide you with training and you will have to follow these standards so that there's a minimum level of standards that you have to follow. You will follow those standards, we will provide you the training. Provided you follow those standards and provided you live up to our standards and prosecute the cases the way we want, we will pay you for handling those complaints. That payment -- and I don't know what the figures are now because I haven't looked in to it -- but that payment was something like \$1,500 a case several years ago. You would have to talk to the state now to find out what they're getting. But there's a funding stream that comes in through the Department of Fair Employment and Housing directly from the federal government that really could go down to local human relations commissions. Smaller human relations commissions in small towns where they

might be politically influenced may not be the best ones to have it but most of the large areas -- urban areas and large counties or in-counties -- you could certainly have human relations commissions that were funded very well by the federal government. We could really get into the field of dealing with hate violence.

SENATOR TORRES: All right. So can an organization like Ms. Chin's out of San Francisco or Mr. Ancheta's out of Los Angeles actively apply for such money?

MR. PERSILY: Not now because the Department of Fair Employment and Housing, under the Fair Employment and Housing Act, they occupy the field. So the anomaly is that in California the funding stream has to go to the State Department of Fair Employment and Housing. That's not the case in other states. But the way California has set it up no funding is allowed to go anywhere else except through the state.

SENATOR TORRES: So then they would have to apply to the state agency for that funding.

MR. PERSILY: The state doesn't do that. Nobody's ever even approached the state on it. I've worked as a consultant to the California Association and Human Relations Organization and every year for about three years I got them to pass a resolution to go ahead and meet with the state to discuss it but nobody has yet.

SENATOR TORRES: So who's at the state that we need to talk to?

MR. PERSILY: The director.

SENATOR TORRES: Who is that now?

MR. PERSILY: I don't even know who the director is now. You'll have later on Ann Noel from the Fair Employment and Housing Commission testifying before you. You can talk to her about that.

SENATOR TORRES: I'm just trying to get the logistics here. So we would apply to the state to apply to the EEOC.

MR. PERSILY: No. The state right now gets that money.

SENATOR TORRES: They have it.

MR. PERSILY: They have it and they say, We'll use it to run our offices.

SENATOR TORRES: Ahh. So it's paying for the "burro-crats".

MR. PERSILY: That's correct. And the state to do that. None of it's getting down to the local governments and then, of course, the state isn't interested...

SENATOR TORRES: No, they're not enforcing out there.

MR. PERSILY: Among friends we all know what's happening with the Department of Fair Employment and Housing and I think local commissions could

do a better job.

ASSEMBLYWOMAN LEE: So you're saying that the money would be better used in addressing these problems in a different way.

MR. PERSILY: Right. I'm saying the state may have a function to play in some areas, but that it's certainly in the larger areas where hate violence is really getting to heavy proportions. If those local human relations commissions could apply to handle complaints of discrimination, that would also give them enough money to deal with...

SENATOR TORRES: But they can't do it under California.

MR. PERSILY: They can't do it in California.

SENATOR MARKS: But you also must realize that the budget problem is a difficult one. We're not the ones who set the budgets. The Governor does.

MR. PERSILY: But this is federal money we're talking about. It doesn't cost you anything. That's what I was looking for was a way to fund local efforts.

SENATOR TORRES: It comes down to 'tude -- attitude.

MR. PERSILY: Okay. If you could get the state to say, Gee, maybe L.A., maybe San Francisco, maybe Oakland, maybe Contra Costa County could really deal with some of these complaints of discrimination a little more effectively and so we're going to change the Fair Employment and Housing Act so that local governments can apply to the federal government to handle complaints of discrimination, you would open up a funding stream that would go to local governments and they could then...

SENATOR MARKS: How much money is involved?

MR. PERSILY: Oh, millions of dollars. We're talking millions and millions of dollars. If you multiply the cases -- and again, I don't know what the data is right now -- but if you multiply \$1,500 a case, and when I worked with the Department of Fair Employment and Housing I was handling over 80 cases and that was a month's call. Right now I think they've changed it to it's 15 or whatever they've changed it to. But the consultants themselves generate a great deal of money. I'm saying in the areas where they don't do this, in areas where they don't have that like in Illinois, in New York, if you go back East, the human relations commissions are very huge, they're very big on the local level and they're big because of that funding stream and they're big enough so they can carry on much more activity and that's the primary case. There are two associations: There's an international association and human rights organizations. California doesn't participate in that. They have conventions every year where they're discussing hate violence, where they're discussing all kinds of things, but those commissions are well funded.

SENATOR TORRES: So how do we change California law to do that?

MR. PERSILY: You remove the portions of the law -- and I would have to begin looking at the law itself -- but you remove those portions of the law where the state preempts the bill of discrimination enforcement.

SENATOR MARKS: We would have to pass a bill.

MR. PERSILY: You'd have to pass a bill.

SENATOR MARKS: And have it signed by the Governor.

MR. PERSILY: You'd have to have it signed by the Governor. I don't know that the Governor would be that opposed to this, if you really think about it, because what it does...

SENATOR TORRES: Not in an even numbered year, no. (Laughter.)

MR. PERSILY: But I don't know where the constituency would be other than within the department itself for preventing that bill from occurring.

SENATOR MARKS: We'll try it.

MR. PERSILY: I think it's something worth looking at.

Then my second recommendation goes to the issue of hate violence reporting. When we first worked on this with the Attorney General's commission, and Senator Watson, I was real pleased when you had the studies conducted to show that the Department of Justice should do it and all that type of thing. One of the things that we always assumed was once we got police departments reporting hate crimes, what we would have would be the beginning of data that would be coming in that would give us an idea of what was going on around the state.

The other thing we thought would happen was by requiring the Attorney General to collect those hate crimes we would also be getting police departments to begin treating hate crimes according to procedures that are out there for dealing with hate crimes. Because at the time we started introducing those recommendations police departments were ignoring hate violence in the mainstream. There was not even a word such as hate crimes or hate violence when we first started the Attorney General's commission report.

So there were no special procedures, but what we didn't look at then and what seems to be real clear is not only the problem we have with the Attorney General in getting those hate crime statistics but it's also what we want those statistics to do and why do we really want the information. The reason why we want hate violence information is so that we can identify who's after who, in what areas, and in what frequency so that we can get responsive at the local level to begin dealing with them at the state level if they're a statewide problem.

So the issue was, where is it occurring? Well, my experience and the experience of everybody else is even the best police departments get just a

tiny fraction of the hate violence reports. And the FBI thing is a joke. I mean, we had more hate violence incidents in San Francisco than the FBI reported for the whole country. That's going very slow. Of course, the Attorney General -- and I've met with the Attorney General -- is real resistant to doing hate crimes.

So then I began looking and trying to figure out where can we get hate crime reporting...

SENATOR TORRES: Wait, wait, wait. The Attorney General of the State of California?

MR. PERSILY: Yeah.

SENATOR TORRES: Is resistant to, what?

MR. PERSILY: To accepting reports of hate violence and getting law enforcement agencies to report them.

SENATOR TORRES: That Attorney General Dan Lungren is opposed to receiving hate crime violations?

MR. PERSILY: That's right.

SENATOR TORRES: Has he said publicly or privately why he's opposed?

MR. PERSILY: He told me why. He and I had a five minute conversation
(inaudible).

SENATOR TORRES: And what did Mr. Lungren say to you?

MR. PERSILY: We basically had the discussion that there would be areas where police departments would report a number of hate crime incidents and then they would look bad in the press because their community would look like they were having more hate crimes. And if you went to another area that didn't do the reporting they would look better, where they might, in fact, be worse.

SENATOR TORRES: So he was afraid that tourism would be hurt by reporting hate crime violations?

MR. PERSILY: He was afraid that you would make the locations that did the best job of reporting look worse than the areas that did the worst job of reporting.

I've heard that from police chiefs. I've worked with police chiefs all around the state and I've heard that from police chiefs many times. I had a long conversation in San Francisco with the Deputy Chief Frank (?) on that very issue, but he was convinced that it made sense to begin taking those reports because communities wouldn't be attacking them for showing reports of hate violence if they were doing a good job.

SENATOR TORRES: That was the same kind of resistance that we had when I started the date rape issue a few years ago. Police, security officers at UC and private university campuses refused to cooperate with this legislation

because they felt that that would demean their campus, and when they finally did start reporting rape and other kinds of assault, especially on young co-eds, it finally developed a preventive model to help ease that problem. But here's the chief law enforcement of this state, officer of this state saying that he doesn't want hate crime criminal reports.

That's the same issue that was raised, I believe, in the San Jose Mercury story yesterday on the Polly Klaas situation where, instead of increasing the availability of records, which you said was a joke in respect to the filing of claims, it's the same thing that's true of where our criminal defendants are roaming around or our parolees are roaming around. In a conversation with that reporter the Department of Corrections still thought that Harris was still in prison!

MR. PERSILY: Well, I don't want to tear into the parole division because I used to work there. I think that...

SENATOR WATSON: Let me ask you this: When did you have your conversation with Mr. Lungren?

MR. PERSILY: It was a few years ago.

SENATOR WATSON: Okay, because he did call me; in fact, he found me in my car last year to report to me that he was supportive of my legislation. I said, "Then get the Governor to sign it." I don't know what private conversation they had but my bill was vetoed.

MR. PERSILY: I've been through that, too, where people up front tell you one thing than what they talk about behind your back.

So anyhow, my recommendation here is that when you take a look at why you want the records made, why do you want a crime report and why do you want hate violence reporting, the issue is finding the nature, the frequency and location of that hate violence. And you don't only want it from law enforcement. Because a lot of people -- immigrants, certainly undocumented immigrants -- are real hesitant to reporting it. Most people are hesitant to reporting hate violence. That's been my experience in dealing with victims through the years.

So what do you do? I think you begin working with the Fair Employment and Housing Commission. I'm willing to take away from them in one part but give to them in another. Because the Fair Employment and Housing Commission, not the department but the Commission, has really become an agent for training attorneys for working with community groups that are trying to deal with hate violence. And it seems to me that it makes sense that you have an agency where people have no fear to report from and where they can develop a link with community organizations to begin taking reports of hate violence, and then on a quarterly basis taking a look at those reports of hate violence, doing enough

so it can come back with quarterly reports on the location, the frequency, the nature and the type of the hate violence and then release those to the appropriate community so that they could begin working on it. So I think the Commission could be looked to do that.

I think the funding on this -- and each case I'm always concerned about funding because I've been frustrated just as you have -- is I think you could get private funding for that, and I'd certainly be willing to work with the Legislature and with funding agencies to make those links, if I could, to enable that type of occurrence to begin, because I know Fair Employment and Housing Commission is stretched so much now that they would really need to create a staff position to do that, but I think we could get the money to do that.

And I have a third recommendation that goes to what I'm supposed to be here about, which is schools. Part of what I'm going to say is going to be unpopular, but that's okay, and it's really built out of frustration of working with schools. Schools have been the most frustrating group of agencies I've worked with. I'd rather work with law enforcement, community groups, anytime, than work with schools and I spend a lot of time in schools. And the problem is, there isn't the level of accountability in schools. Who do you hold responsible? Do you hold the principal, do you hold the superintendent, do you hold the school board and everybody pointing fingers at everybody else? And getting something in a school that's different is really a terrible struggle.

But one thing I think we could do -- because the biggest problem is schools are in denial. Just as we talked about law enforcement, the same thing occurs with schools. No principal wants to show, wants to do reporting and say, We have 30 reports of hate violence on my campus. Because they're afraid just like law enforcement was afraid that they're going to lose their job and it's going to look bad for their school and all that type of thing. So it's been very difficult.

We got the board of education in San Francisco to require the schools to take reports of hate violence. It's been a dismal failure. They haven't done it.

I don't know if you're familiar with it but if you take a look at Penal Code 628 (a) through (e), schools are supposed to report violence to the Department of Education. Penal Code 628 requires schools to report incidents of violence. And I thought -- and as a matter of fact, the Attorney General's commission recommended it -- well, all we have to do is since these schools are already reporting violence under 628 (a) through (e) of the Penal Code, all we have to do is say, Okay, now report hate violence. But what I found out was

although the law is there, the school districts have been hesitant to report it and it's gotten to the stage now that the Department of Education sends a note to all the school districts -- at least that's what I heard in San Francisco where I was getting that information -- that don't bother to report because we've removed our staff from taking your reports, so let's forget about reporting violent incidents in the schools because we can't get those kinds of reports.

SENATOR MARKS: The State Superintendent of Public Instruction does that?

MR. PERSILY: That's right. It comes out of the Department of Education.

SENATOR WATSON: Now, this new business person probably will do more about cutting out various positions.

MR. PERSILY: So although you have a Penal Code that requires that, and we suggested of the Attorney General's commission to say, Well, just add hate violence to it, nobody's doing the reporting so it's kind of "What's the use?"

One thing I think we could get schools to do, and one thing Diane and certainly Jill Tregor, who's head of the Intergroup Clearinghouse, and a group of us are working with are with some schools in San Francisco, and one of the things we're finding is we go to a school and say, Take a survey of your school as part of what you're doing. We're more ambitious than just doing that. But one of the things you should be doing is on a regular basis you should be taking a look within your school on not only the level of hate violence but you should be looking at where kids can go. Can kids go to different parts of the campus? I haven't been on a school ground yet where, when talking with students, they say, Oh yeah, we have free access to all parts of the campus regardless of our race, regardless of our ethnicity, regardless of our status. Almost every campus we go to, female students will be harassed in one place, in other campuses if you're Black you can't go over here, if you're white you can't go over here. I've been in those campuses and I've worked with campuses like that. Campuses are beginning to get segregated like prison yards. I worked at San Quentin and we always knew which side of the yard African Americans were, which side of the yard Latinos were, which side of the yard whites were. Now campuses are beginning to take on that categorization. It's getting very scary, very sick, because that's where kids are coming from that are going to be promoters of hate violence later on.

So what do you do with the schools? I think that's what you do, is you have the schools take a look at where kids feel intimidated because they can't go around all the school because of their race or because of their gender, or whatever, where kids can't join a class or can't join a program or activity, and you're having the school take a look at it itself. And then you take a

look at what kinds of incidents are occurring, particularly when you have conflict resolution programs or conflict management programs, peer resource programs. What kinds of conflicts are occurring on the campus? What kinds of conflicts are occurring among staff, between staff and students and among students?

So my third recommendation is some legislation be developed that requires schools to begin taking a look at their campus climate and ask them some specific questions that at least -- I'm not saying they have to report it but take a look at it with themselves and type out a report and then figure out methods to deal with it, that campus itself, so they don't have that big fear of this is going all over the place but the campus themselves has to maintain that kind of report. And that type of program has been implemented in different parts of the country and in different parts of the state so that some of that already goes on. I think that should be required.

ASSEMBLYWOMAN LEE: Let me just ask you this question, put this out there just with regard to the bill which the Governor has vetoed four times, the Schools Hate Crime Reduction Act. In his veto message, and I just want to read this very quickly and get your response. He said, "In addition, the State Board of Education has already adopted a comprehensive policy statement on school safety which speaks to creating a school environment free from discrimination and hate violence." Do you have a sense of what he means when he says that?

MR. PERSILY: Did the School Board support your legislation this year?

ASSEMBLYWOMAN LEE: Absolutely.

MR. PERSILY: Then apparently the School Board isn't aware of it either, you know. I've gone through this time and time again where these kinds of things are. I know the Governor's Office is making private inquiries out and is planning on supporting some legislation or drafting some legislation to deal with hate violence in the schools. I have no idea what form it's going to take but he's on the defensive. I think forums like this bring more on the defensive and will make something happen.

The schools today are woefully unprepared for dealing with the multi-ethnic environment and they're doing a terrible job of it and there are some things they could be doing. Some of it's in the structure of the schools themselves, too.

I read these when I can get them, but there are studies that have been out for the last ten years that when they started desegregating schools what happened were lots of sociologists and professors got in there and said, Well, let's see what really works to stop prejudice amongst students. The studies

show, and this is where it's going to be unpopular, the studies show that programs that try to promote appreciation for diversity are good programs but they don't stop that "we/they" atmosphere. As a matter of fact, they let everybody know, Well, this is the history of African Americans, this is the history of Asian Americans and there's the assumption once we understand each other then we're not going to fight each other. That isn't what the studies show and that's not the experience.

But what is the experience is that when students begin working together, so that if you have cooperative education where I get exposed as a white person to African Americans or Latinos and Asians and everybody else as just part of my course of study, even if I'm not studying prejudice or anything else, when I get that exposure and begin relying and depending on other people to work, to study, then what happens is that does cut down on the prejudice. There's some books written on it, there's some studies done on it. None of it's out there. If you want get in touch with the people who've done those studies and works, let me know and I can do that, but the work at USC, UCLA, and Johns Hopkins University for cooperative learning have demonstrated that a side impact of using cooperative learning where you break kids into groups and force them to interact with each other to do their work and learn what they're doing is a reduction of prejudice that lasts.

SENATOR MARKS: Thank you. Senator Petris.

SENATOR NICK PETRIS: This may have been covered, but the notion I have is that before you get to hate crimes you've got a problem of crimes and violence. Our young people have been desensitized to an astonishing degree on the basic notion of violence against anybody. That violence has become acceptable, and the video games and the video parlors, you go in there and 90 percent of those games, I'm told -- I haven't seen them -- are violence and you get points, the kid gets points if he stabs and slashes one of the characters a greater number of times. So the more effective that kid is in killing somebody the more points he gets and he wins the game. And some of them are gory, blood is flying all over the place. I've seen some of the gory ones. And I don't know why we sit around here talking about this stuff when we permit the climate to be created and perpetuated and enhanced in that direction. It doesn't make sense to me.

Now, I know we've got a First Amendment problem, we have to go after the manufacturer. I'd like to have them come to these hearings and sit down and explain to us, what's the purpose and benefit of these kinds of games appealing to youngsters other than their making money on the manufacture and sale and use of those mechanisms? Can you comment on that?

MR. PERSILY: Yeah, but it won't be the comment you want. At the risk of sounding like a sociologist, I worked with young people in North Richmond, okay? And North Richmond is one of the lower income areas for the state. It's got one of the lowest incomes going and they're big fans of video, but there's a whole lot more going on. I sat down a few weeks ago with about ten of them and asked them what they wanted to do. Only one of them had a notion of, Gee, I'd like to sit behind a desk someday. Most of them didn't have any idea. These are 17, 18, 19, 20 year olds. That feeling of, There's a world out there I'm not part of, I'm isolated from, I'm alienated from, there's a world out there, I'm not there, there's a whole thing going on. So when a video game comes on and I've got the power to do this or that or if I can scare somebody and I've got the power to do this or that, that has a great appeal.

One of the problems is not just getting rid of the videos but it's bringing these kids in to where they see that they've got some voice in changing things.

SENATOR PETRIS: Well, you don't get rid of the videos, you get rid of the program within the video.

Now, there was a survey done among girls from ages -- I forget the age frame -- 8 to 16, something like that. "What would you like on these videos?" Because there were no games for girls. They're all games for boys killing each other, okay? The girls said, "We've seen those, we're sick and tired of them. We want to be challenged in some other way that doesn't hurt people." Now, that's the first time I've ever heard of those outfits doing a market survey. They claim that that's what the kids want. That's baloney. That's what they want because that's the only thing out there and it is a diversion. It's some kind of a game.

MR. PERSILY: And I think it's only what they want because it gives them a sense of power and I think you could develop games that are positive to give them a positive sense of power, but I think more importantly is giving these kids a sense of power.

I went to North Richmond -- and I wasn't planning on talking about this -- the county hired me to go in at the same time they gave a quarter of a million dollars to law enforcement. They gave me \$15,000. I wasn't complaining about the difference but I want to talk about the cost.

What happened was we went down in North Richmond from 18 homicides in one year to zero the next year and what happened was getting with the kids. You know, all these things we have a tendency to do as legislators in terms of responding to victims, we never respond to the perpetrators. These kids were basically given an opportunity to begin to talk about their issues. Their issues were not having a place to hang out, were feeling they were being

treated unfairly by law enforcement, were feeling they had no recreation, were feeling they were getting pushed out of school. When we got them to be able to begin working on those issues themselves, then the violence went down because they were having a sense of power in a positive direction.

SENATOR PETRIS: How long were you there?

MR. PERSILY: I was there officially for six months but I stayed involved and still go there every once in a while. Things have deteriorated again. But now I'm working with the Multicultural Collaborative in Los Angeles and they're trying to develop these kinds of programs. So I'll be working down there.

SENATOR LOCKYER: Thank you very much for your assistance. Ms. Chin.

MS. DIANE CHIN: Thank you, Senator Lockyer, and other members of the Judiciary Committee.

I direct the Racial Violence Project of the Lawyers Committee for Civil Rights of the San Francisco Bay Area. The project provides free legal assistance to victims of racially motivated violence as well as engaging in a variety of activities including public education and outreach.

What I'd like to do is discuss with you some of the problems that have been identified by project staff regarding not just documenting hate violence but responding to hate violence, and I divide those, as you'll see in the copies of my written comments you've received, into administrative problems and substantive problems.

Under administrative problems I would include the lack of reporting as well as lack of a statewide system for gathering statistics or providing information and referral to victims of hate violence, the lack of governmental agencies that exercise the jurisdiction provided to them to obtain injunctions in the name of the people, and the lack of funding for social programs that can provide remedies unavailable through civil and criminal laws.

Under substantive problems I would identify increased intergroup conflicts or what some are calling "minority on minority conflicts," increased attacks on immigrant and refugee communities and increased attacks on homeless people.

In terms of a lack of reporting, you've heard from several people about this issue. I would like to highlight the problem of police perpetrated hate violence as a real obstacle to reporting. There are many communities when you meet with them who identify as the main issue of hate violence for them hate violence perpetrated by police officers. In Oakland, clearly we're not ignorant of this fact, and in many communities, when you work with particularly the African American community, the lesbian/gay/bisexual/transvestite(?) community, and immigrant/refugee communities what you confront head on is the problem of police perpetrated hate violence.

Others have commented on other barriers to reporting.

I would recommend the development and implementation of a multilingual statewide educational effort regarding the civil and criminal remedies available for victims of hate violence because I think many who come to California from other states or from other parts of the world are unaware of the system of law, the system of remedies that are available in California.

Included in any sort of educational effort should be a description of the protections available for witnesses of crime who cooperate with the criminal justice system. As someone who works on individual cases, very frequently what we confront is the problem of witnesses not being willing to come forward because of fear of retribution.

In addition pertaining this problem of lack of reporting, I would recommend the development of some sort of statewide system of civilian oversight to address police misconduct and abuse. Various police departments have undertaken this effort on their own individually but I think a coordinated statewide effort which is viewed as not necessarily in the hands of local politicians would encourage people to come forward on this issue and would send a clear message to police officers who engage in this sort of conduct.

SENATOR TORRES: We did and it was defeated by the Legislature last year.

MS. CHIN: Well, maybe it's time to try again.

Many have discussed the need for a statewide system for gathering statistics, and I don't think I need to go into that. Again, I would highlight however, and a recommendation the development of alternative community-based sites which could provide the California Department of Justice with statistics or the Fair Employment and Housing Commission, if Fred Persily's recommendation is adopted.

I would also recommend some sort of -- again, these are, unfortunately, budgetary requirements -- creation of some sort of coordinated toll-free phone number which is continuously staffed to provide victims of hate violence with information and referrals.

The next issue that I would identify, as I said, the lack of governmental agencies that exercise the jurisdiction provided them under the Ralph and Bane...

SENATOR LOCKYER: Could I have you back up for a moment?

MS. CHIN: Sure.

SENATOR LOCKYER: When you talk about alternative community-based sites which can provide the department with statistics, what do you mean? What does the site do?

MS. CHIN: As you know, under the bill that has been vetoed now several

times which would allocate funding to the California Department of Justice to gather statistics, the idea is that law enforcement departments and agencies will provide the Department with those numbers. As others have spoken to, there is among the general public a reluctance at times to report these incidents to law enforcement agencies. However, I believe that alternatives to that should be established in the community.

SENATOR LOCKYER: I got you. Thank you.

MS. CHIN: Under both Ralph and Bane Civil Rights Acts -- not dealing with the criminal provisions -- jurisdiction is granted to the Attorney General's Office, the local district attorneys' offices and local city attorneys' offices to pursue and obtain injunctive relief on behalf of individual victims against perpetrators in the name of the people of the county that they represent or in the name of the people of California. Other states have a model in which governmental agencies seek and obtain injunctive relief where private attorneys might either be reluctant to take these cases or unavailable to take them.

So just as a concrete example, Supervisor King and Ms. Jones' predicament could be remedied under the civil state laws under Ralph and Bane because of the intimidation factor of the type of mail they received. I have not reviewed the letters themselves so I'm not clear on the exact content, but clearly, the act of receiving that kind of mail, which I believe discussed their gender as well as race, was intimidation and would be covered, in my opinion, under both the Ralph and Bane Acts.

SENATOR LOCKYER: And what kind of action could be brought then?

MS. CHIN: A civil injunctive action could be brought.

SENATOR LOCKYER: By them or one of these other...?

MS. CHIN: By either themselves, with private counsel, or under the jurisdiction of the city attorney of Oakland, the district attorney of Alameda County, or the State Attorney General's Office.

SENATOR MARKS: If the State Attorney General refuses to do this, how are going to do it?

MS. CHIN: Well, they have obviously refused to assert this kind of jurisdiction. Local agencies, however, local authorities have not been so reticent. In San Francisco last year, for the first time, we believe, in the state, the San Francisco District Attorney's Office, in their civil office, in the civil department, pursued and obtained an injunction on behalf of the Latino family who had been harassed for several years by a neighbor. It was the first time that we believe a local authority had actually exercised their jurisdiction and the outcome was very positive. While my office prepared the documents to pursue a civil damages action under the Ralph and Bane Acts, they

were able to obtain very quickly an injunctive action and an injunction against this man.

SENATOR LOCKYER: Ms. Chin, would you be willing to follow up with Supervisor King and Ms. Jones as to what their possible avenues might be?

MS. CHIN: Certainly.

SENATOR LOCKYER: Thank you very much.

MS. CHIN: I think that this panel as well as everyone in the office also recognizes that there needs to be a reprioritization of funding for social programs that can provide remedies unavailable through civil and criminal laws. In the interest of brevity I won't go into that.

There has been clearly an increase in intergroup conflict, what some people are calling "minority on minority attacks." Examples of this include monthly reports in San Francisco of attacks on Asian Americans, primarily immigrants, by African Americans in San Francisco Housing Authority properties. Other examples exist throughout this state and I'm sure you're aware of many of them.

I don't think that this issue can be dissected in any way from the increase generally in attacks on immigrant and refugee communities, nor do I think that they can be dissected from the fact of institutionalized racism and the insidious effects that racism and various forms of oppression carry with them.

To address intergroup conflicts and their increase, I would recommend work in the schools, as has been discussed, which I won't discuss further.

And I think to collapse this with the discussion on immigrant and refugee attacks, I would also recommend opposition to all legislation that is currently before the California Legislature which would effectively decrease or chill the rights of immigrants and refugees. I think it's important, and has been stressed earlier today by many people, that there is a need for those of you on this panel and other members of the Legislature and in positions of political and moral leadership to immediately respond to xenophobic rhetoric from other members of the Legislature and government.

I think there ought to be a commitment by this committee and all members of the Legislature to provide accurate information regarding the economic impact of benefits provided by immigrants and refugees in California.

I will close by noting that there is an increase in attacks on homeless people, and while homeless people are not a class in and of themselves that have been recognized by the Legislature under the current laws, I think that recent attacks demonstrate that there's a need to revisit this issue. And that clearly, the civil rights groups that have been recognized as protected under civil rights laws and the characteristics which are, unfortunately, enjoyed by those groups in terms of being vulnerable groups with defined characteristics,

pertain to homeless people. I would recommend highly the amendment of both the Ralph and the Bane Civil Rights Acts to include homeless persons as a protected class.

Thank you.

SENATOR LOCKYER: Thank you very much for your comments, all three of you. It's been quite helpful.

Just for purposes of helping witnesses plan for their time, it would seem to me -- I've asked Mr. Withrow to perhaps come up next -- that this one individual comment and then one of the first panel that was originally scheduled for 10:30 we could do before a lunch break and then we'll have a very brief lunch break. And those that were hoping to be before lunch -- law enforcement and the district attorneys offices -- I apologize, we'll have to do that immediately after a lunch break and then the other commenters that are indicated on the agenda.

Mr. Withrow, do you want to come up?

MR. GREGORY WITHROW: Thank you very much, Senator. It's an honor to be here.

My parents were first cousins. I was raised as a matter of eugenics, genetics, or so my father felt. I was raised for one purpose, and that was to terminate people like you.

I've heard a lot today. I've heard a lot of discussion of what the problem is. We know what the problem is. Failing is to understand what the racist is. You have several types of racism: supremacists, segregationists, separatists, genocidalists, and total irrationalists. You cannot deal with him on an intellectual basis. Hitler said, "We think with our blood." Mussolini said, "Racism is 90 percent emotional, 10 percent intellectual." You cannot reach them on an intellectual basis.

I've read on page 36 about the prison terms and I wish I had more time to review this. I believe those are correct. That is one good avenue of punishment for racists who commit hate crimes. Those are racists who are irredeemable. There's really no hope for them. In fact, they will probably come back out of prison even more hateful. In fact, many racist groups recruit many of their most hard-core racists out of prison.

SENATOR LOCKYER: Mr. Withrow, why don't you perhaps tell us in a little more detail your own personal experience and involvement with some of these groups.

MR. WITHROW: I was raised by my parents and my father. I was raised in Nazi camps. I was raised for one purpose, and that was, quote/unquote, "the total extermination of all subhuman non-Aryan peoples from the face of the

North American continent; men, women, children, without exception or appeal." There is no reasoning with that.

SENATOR LOCKYER: And when you say Nazi camps, what's that like?

MR. WITHROW: That would be anywhere from going out on a picnic-like setting and being indoctrinated with philosophy to shooting weapons, learning how to build weapons, learning how to kill and so forth. Basically, I was trained to be a killing machine.

One of the aspects of my training was to build, which you are now dealing with, a youth movement that is what you call a hate movement. I began the White Student Union in 1978, the Aryan Youth Movement also, and along about that time we began making contact with the Oy Movement or Skinhead Movement in England through Tom Metzger of the White Aryan Resistance.

This is called a hate movement. I tend to disagree. It is a fear movement. Before I ever learned to hate I learned to fear. I learned to fear people of other races and I learned most of all to fear people of my own race. In previous times there were older people recruiting younger people. Today it is peer pressure. A gang-like mentality occurring amongst many different ethnic groups on a peer level.

My fear was realistic. I could only be reached on an emotional level. I knew one emotion or two: fear and hate. A third emotion entered my life, that of love, and for that I was tortured by my so-called brethren skinheads. My throat was cut, my jaw was broken in four places, my nose was broken, my ribs were broken. My hands were shattered as nails were driven into them. And I was told I would die as a -- I can't use the word -- Jew. It was a Black couple that saved my life.

SENATOR LOCKYER: And what provoked that attack?

MR. WITHROW: What provoked that attack was falling in love and wanting out of the movement. Once you're in you can't really get out.

What a lot of people fail to understand -- there are people raised as Christians, there are people raised as Jews, there are children at this very moment being raised as racists. They know no other type of philosophy. They do not wish to disappoint their peers, they do not wish to disappoint their parents. They have a one-track single mind of thinking. If you interfere with that form of thinking, which is primordial in its thought and therefore it is reactionary and irrationalist in its nature, you have contaminated their purity. Attempts to contaminate their purity are anathema to the way of their thinking; therefore, they will attempt to destroy you.

The best way to fight fire with fire is to centralize and that is to begin to create a centralization or a data collection agency of these groups and

their motives, their motivations, and a better understanding of where they are truly coming from and how they think.

As far as punishments are concerned, there are racists that are redeemable. However, there have been few avenues left open for racists to quit to go to. When I quit, no one wanted me. Who wants a bald-headed, tattooed swastikaed, hate-filled kid?! Who wants that person? But I wanted something more out of life as I began to realize there was more than just hate and fear in this world. I am one of those kids that played video games. I am one of those children raised to hate.

It is paramount to leave openings for people that wish to get out. If they only had the chance they would probably flee, but the fear factor, not the hate factor the fear factor is in them. I feared for my life and I almost lost it. Many of these others also fear for their lives if they don't carry forth orders or carry forth what I would call their programming, because these are machines. These are automatons. They have lost, basically, their souls. They are hollow shells. And all they have left is the color of their skin. That's what they defend.

SENATOR LOCKYER: Mr. Withrow, you were raised in Southern California?

MR. WITHROW: I was raised in Northern California, sir, near the Sacramento-Roseville area.

SENATOR LOCKYER: Was that where the groups were that you were involved with?

MR. WITHROW: I was taken to several different places throughout the state as a child. I was forced to do many things, including, I'm sorry to say, fighting other Black children. If I did not I would be beaten myself; hence, the fear factor again instilled in me. Painting swastikas. And finally it went on to organizing groups that went out and literally have bombed, committed murders, have done great destruction to this society.

SENATOR LOCKYER: Do you have any way to estimate the number of people involved in those activities in California that you saw or heard about from your own experience?

MR. WITHROW: You would have to understand the break-up of the racists. Again, there are varying types of racists which I explained. I think you're referring to your more hard-core fanatical racists that wouldn't care about coming in here with an Uzi and blowing you all away.

SENATOR LOCKYER: No, or that would engage in violent activity.

MR. WITHROW: Correct. I would estimate this to be numbering between around 1,500 to 2,500 throughout the state. And that's quite a few. But what we have is what was begun several years ago, the hundred little Hitler policy

and this was to create a hundred leaders or potential leaders. Say, if one gets arrested or knocked off there'd be another to take his place. Hence, you'd have what are called crews: groups of three or four, five, working in random activities and these are individual selves. So you have a hand of selves but this one doesn't know what this one is doing, and on the other hand, they don't even know what's going on. But they are all acting independently towards the same goal. As comical as it may sound, they plan to take over the White House, take over the country, exterminate all the bad white people first and then get rid of the rest. That includes you and me and probably about 150 million other Americans. As comical as that may sound they are set on doing this because of their fanaticism and their irrationalism. And people do die. Even if one person dies in this comic tragedy, even if one person dies that is one too many.

ASSEMBLYWOMAN LEE: Let me just ask you this, and I think it's important we all realize what you're saying and I really appreciate your being here and laying this out for us because what you're talking about are activities and training and the violence that is occurring here in the State of California, the most diverse state in the country. This is not the South of the United States. I wanted to ask you, through your work do you know or have investigated what is occurring in Mississippi and in Alabama and South Carolina and the southern states where those of us here in California always point to as being the most hostile environments when really what you're revealing to us today is that we need to really deal with this entire state.

MR. WITHROW: This entire state, this entire nation and, in fact, this entire world. As the Nazi group is growing again, regaining substance in Germany, you have people here in California printing literature up for them, because it is illegal to print it in Germany, and sending it to Germany. And Germany funding the Nazi groups here in California. It is a worldwide thing. Our nation is our race. They do not see land boundaries. They see racial boundaries. The thing is bigger in scope than many can imagine. It is not limited to one city here or a small town there.

I have met another type of racist altogether that absolutely sickens me, and this man, we have been trying to pursue for over ten months. He is a molester, a white man, a molester of little Black girls. This is what he does. The police station in the city where I come from know about it. They caught him recently with a shotgun in his car. There is a little girl here right now that has been victimized. She is to be my future step-daughter who has been victimized by this man.

Here are the laws! I don't see them being enforced. I'm going nuts trying

to put this man behind bars. This is just one racist. This is one type of racism. An irrational, sick type of racism. He sees little Black girls as less than human, animals for his own sexual pleasures. That is another type of irrationalist racist that should be dealt with.

I have so much to say and I've been waiting for so long to say it.

SENATOR LOCKYER: Would you comment on what the specific efforts were to recruit youth?

MR. WITHROW: Specific efforts are, one, peer pressure. That is, a group coming up to somebody and say a white kid is afraid of walking down the street that is predominately Latino or Asian or Black and a group of whites coming over and saying, Hey, join us and we'll protect you. The same old gang mentality.

But it goes deeper than that. There are people literally raised this way. I just did the Jenny Jones show a couple of months ago in which there were six children on there. Their parents were on there saying, We are raising our children deliberately to be racists, and the children said when God -- this is their irrationalism -- when God tells them to go out and kill they will kill. There's no security in this building. You think hate violence in California. You're talking about a very dangerous subject. These people do harm other people. They do kill other people. And they do plan schemes.

SENATOR WATSON: May I ask you a question on the planning of the scheme. Is your movement that you came from connected to those young men who threatened the First AME Church in Los Angeles?

MR. WITHROW: Exactly the point. It is based on the old idea of the confederacy. They are loosely knit random groups headed by a charismatic leader which are instigated through talk shows such as "Race and Reason", phone message machines, computer networks, video games, all types of literature and they are instigated and angered to the point and feared to the point where they go out and commit and plot some type of crime. Most are spontaneous. You're talking about a group of guys, some girls, getting drunk and going out and beating up some innocent person on the street and taking their money and saying, We do this in the justification and the name of the race. Then you have your more diabolical charismatic leaders that plan on bombings, murders, mayhem, and all it takes is one. One. Hitler could have gone out and shot one Jewish person and got his anger out that way but we know what he did.

SENATOR MARKS: What got you to change your opinion that you have changed from?

MR. WITHROW: As an irrationalist, as I said I knew two emotions: fear most of all and hate was the secondary subsidiary product of that. I

encountered a woman who gave me what I can only describe as unconditional love. Her parents fled Nazi Germany. They adopted Judaism although they were of Germanic decent and so they had to flee Nazi Germany. They had a child here in America and she was intrigued by my philosophies. Never before would I hold a meaningful dialogue with anyone but I found her arguments to be or her debate to be most intriguing and it made me begin to rethink -- frontal lobe up here -- rethink and re-evaluate what I was doing. I was given love, pure and simple. I know you want it brief. I was given love. That helped change me. I was given an avenue out through the Anti-Defamation League. They helped remove the swastikas off my back through laser surgery. They opened their hearts to me. They gave me an avenue out.

This avenue must be expressed more so that these kids that are -- a lot of them are homeless, they live in gangs, they take crank which are called muscle, they drink heavily, and they go out and they commit crimes. Methamphetamine is crank. If only they saw an avenue out. Just like the ghetto person in Harlem or the Latino person in L.A. wants an avenue out. I had an avenue out and I took the shot and here I stand before you saying we have to have more avenues out.

The punishments, many of them in this, what I have read, I agree with. There should be added punishments. Some of these people that may seem redeemable, if they desecrated a synagogue they should be forced to clean it. They should maybe help tutor African Americans, Latinos, Jews. They should be forced possibly to go and pray in that very synagogue that they desecrated. If, as I child, I had been brought into a synagogue, if I had been brought amongst African American people in a wholesome environment, I may have turned out to be a different person altogether. That is a preventive measure before these kids even become racists or are indoctrinated on the peer pressure level. Once they're indoctrinated you begin to lose your grip and once you begin to lose your grip, even if one more is recruited, that may be the one that decides to assassinate you, Mr. Bill Lockyer.

SENATOR MARKS: Aren't you afraid that some of the people that you were associated with will retaliate against you?

MR. WITHROW: They already have and I'm shaking in my shoes right now. But I am here because this must be done. My life, the life of my fiance, the life of that child depend on it. Your lives as well. I have to do this. I have to stop the monster I've created.

SENATOR TORRES: Mr. Withrow, I appreciate, as all of us do, you having the courage to be here today. Love intervened for you. I would like to believe that God intervened for you.

MR. WITHROW: I believe so, too, sir. Thank you.

SENATOR TORRES: How do we create those open spaces? What have you thought about in terms of what those open spaces might be?

MR. WITHROW: I've talked with the Lieutenant Governor Leo McCarthy and I've worked on panels with him before and I've talked with his assistants. I've also talked with the Anti-Defamation League of B'Nai B'rith and Rick Kershaw(?) in San Francisco. Creating an awareness, a publicity that there is a way out, not only for whites but for all people that are trapped into the gang-like or violent-like mentality. Deep down we all want peace. Some can only now find peace through violent acts. There has to be a program. I've heard of Narcotics Anonymous, I've heard of Alcoholics Anonymous, I've heard of many programs that help. It's pretty hard to put a "Haters Anonymous" group together. They'd probably all end up at first hating each other, I don't know. But some avenue of counseling. Some avenue of allowing them to express themselves -- why are you this way and how can we help you, we're willing to listen.

You're talking to a kid who has shaved his head bald, has put tattoos on his body, who wears Army boots and fatigues and has under his lip "screw you", who listens to music and dances in the slam pit until he's bloodied and the music is violent. And after he's bloodied in what's called a clash, he goes out and he goes bashing, and that means to hurt someone of another race or even those of his own race who he feels do not agree with his philosophies.

SENATOR TORRES: You mentioned communication. This television program that you mentioned called "Race and Reason", is that what you...

MR. WITHROW: By Tom Metzger, yes.

SENATOR TORRES: How do we help communicate? This is one form which the Chairman and others are doing, but how would you recommend to communicate to the Withrows who may still be incarcerated by their hatred?

MR. WITHROW: I think really, truly, the first step is the same as an alcoholic. You have to first want to change your life. But if there is an avenue open for them to go to, then they may begin that process.

Many have quit the racist organization. Many have stopped. If everybody who was and has been a member of the Nazi or clan or skinhead groups still in it you'd have thousands marching the streets right now. Many have quit. Why? Because you can't keep up a 24-hour hatred constantly. The very irrationalism and emotionalism, the very reactionary process is self-destructive, not only to others but to the very soul of that individual.

But there are those die-hards that keep on pushing like Tom Metzger with his "Race and Reason" and his inflammatory programs and newspapers and phone

message machines and his literatures. A young kid gets a hold of it and he says, I'm going to do something; I'm going to go paint a swastika. I'm going to get a tattoo and let everybody see it. How do you reach that person? How do you communicate to that person once they're under someone's clutches like that? Just as the alcoholic, you can sit there and talk to an alcoholic all day and if he still wants to drink, everything you've said is wrong. If he doesn't want to drink, then everything you say is right. The person has to change himself. The thing is, is many of the racists are so narrowed in their tunnel vision of reality that they don't see avenues of escape. I am only beginning to express this idea: avenues of escape where people have alternatives where they don't have to fear coming before you or anyone else of another race or of another ideology. Because, actually, it's fear that motivates them. They're scared.

ASSEMBLYWOMAN LEE: Like my colleagues, I appreciate your being here today and having the courage to be with us. I hate to say this but you have scared me to death. I mean, just listen to your testimony. I think all of us are at another level. So you're the one who's really bringing us around to understand this stuff, not just from a theoretical, intellectual sense but from a really practical position. So your work is very, very important and I think what you're saying is very important.

I want to ask you, with regard to these avenues of escape, are you also talking about attempting or seeing as a form of a witness protection kind of program established that would create an environment that would protect you by, for instance, the police to come forward as an avenue out as well as the programmatic support such as Alcoholics Anonymous.

MR. WITHROW: An excellent idea, Ms. Lee. Anything. I mean, some of these people want out very bad. I've been with them but they don't know anything else. They really don't understand anything else. They have no other ideology. You are dealing with people that think of you as irrelevant.

ASSEMBLYWOMAN LEE: So if they were protected from retaliation or if they felt there was an environment that would protect them from retaliation you believe they would come forward.

MR. WITHROW: That's right. I've had to buy land up in the hills, you know. I've had to totally retreat. It's kind of hard to get a hold of me. My public name is Withrow. I first set up my own series of protections. I guess I'm a kind of forerunner. But when I left the movement and people saw what happened to me, many other racists also saw the atrocity and shut down their chapters. Clinton Sykes was a good example. He had over 20 followers. That's money, that's power that he has, you know, a sense of feeling of power. His

gang was generating him money and he shut it down because of what happened to me. We did a talk show together, "Good Morning, Bay Area" and that's where I first met Rick Kershaw from the Anti-Defamation League. And it took me almost a year before I called him. Rick Kershaw said, "So you're the enemy." And we kind of laughed about that for a moment. You had to been there. But it took me almost a year to call him because I was afraid. I was told that Jews wore black robes and had huge noses and sacrificed animals and other small children and that they were evil in their intentions and sons of the devil and so forth. I was raised to think in this manner. So it took me almost a year before I picked up that card and called him. Today he is one of the best friends I've ever had in my life. He said, "I want you to speak in our synagogues and I want you to speak to people." I said, "I can't, not with these swastikas on my back." "Then we'll remove them." He opened his heart. That's all I have to say to you. He opened his heart. So many people these days have closed hearts. Today, I open my heart.

One of the greatest things, just before I was quitting the movement, my phone message machine was still on. A young girl called up and she says, "I'm really thinking of joining because all my friends are getting into it and it's really the latest thing," and all this and this was several years ago when people were saying, This is insignificant. And I talked her out of it. And that was the best feeling I had ever had in a long time. That was the best feeling I'd ever had compared to the hundreds of people I had recruited, talking to that one 16 year old girl out from not joining. Felt better than all the people I had ever recruited.

SENATOR WATSON: I mentioned earlier a bill that I carried several years back, SB 267 that had to do with syndicalism. Anyway, I was threatened by the Klan and the Grand Tribe in Sheldon called my office and they also, the day it was being heard, said they were planting a bomb in the Capitol. Knights of the White Rose is the clan up in Sacramento and they had a demonstration and it was the same time we were remodeling the Capitol so there must have been about 300 or 400 laborers out there, and we tried to get the State Police not to give them the permit because we wanted to avoid a clash with the laborers, but they went ahead and gave them the permit.

Well, a long story short, laborers were there, twenty-five Knights of the White Rose showed up. One of the lobbyists in the Capitol who happens to be an African American was over there watching and he saw these twenty-five people and afterwards one of the guys came over and extended his hand, in the robe and all, and said, "Mr. Willie" -- Willie Hausey. "Mr. Willie." Now, I was viewing this incognito from a distance and I saw Mr. Willie talking to this

robed clansman and I couldn't wait until it was over to find out what in the world. He said, "I hired this guy in his gas station," and he said, "He can change a tire in a matter of three to six minutes. He was the best worker he had but he couldn't read or write." The gist of the story is, in that conversation, Willie said, "What in the hell are you doing here?" He said, "When I got out of Folsom there was nothing else to do and it was the thing people were doing." The Aryan Brothers there and then the Knights outside. He said there was no work for him. He couldn't read or write.

They did a series on him and his family. You probably saw it. They had a swastika and all these blondes sitting there, wife pregnant. He and his wife got in an argument, they went into the bedroom and he ended up murdering her.

MR. WITHROW: I worked with those clans.

SENATOR WATSON: All right. You know.

MR. WITHROW: I knew them. I ran that area.

SENATOR WATSON: My question to you is, do you think his complaint about not having a job and not having an education is a legitimate one, or are these people, like you were, bred in hatred and regardless they still are going to go that path. He said, "If I had had a job and if I could read or write I probably wouldn't be fooling around with it, but this is the only thing I can do."

MR. WITHROW: In Germany they had a saying -- whether it was used badly or for the good they still had a saying -- "Work makes one free." You know, I have two hands. I'm a man. I got fried. My soul has been taken away from me. I've just gotten out of youth prison. I've got nothing left. There's a hollow shell here. All I've got left is this shell and it happens to be white and I don't like anything else that don't look like me. I've got nothing else better to do with my time. Idle time, they say, breeds the devil.

SENATOR WATSON: If people went after these guys and put them in boot camp, or in something similar, and training programs, would it change their attitude? What do you think?

MR. WITHROW: I think individual counseling would be the first step to find out exactly how deep their racism is and whether or not you're dealing with a sociopath or someone with a sense of conscience. You put a sociopath in with a group of good people that want to quit, you may blow the whole thing. An individual evaluation of each one would be important. To simply clump them together is wrong. That's like clumping the African American people together or the Euro-American people together or the Latino American people together. You clump the racists together it is also wrong. They come from many different backgrounds: rich, poor, homeless, scared, whatever. I think each one needs

to be addressed on an individual basis. Maybe at a later date they can maybe work together.

Clinton Sykes and I tried to form a group for racists to come to and it was just kind of laughed off by the media and everyone else. We tried. We gave it a real try. And a few did approach us and we helped them to the best of our abilities. But there was no one to relate to to the types of problems specific to us that we have, raised as we are, raised in this hell. I lived in hell.

SENATOR LOCKYER: Greg, I think we're all enthralled by the description of your experiences and quite moved by the transformation that occurred in your life. I wish we could somehow legislate love. It would probably be the single best thing we would do as lawmakers. Obviously, it wouldn't mean anything to just have the words in a law book. We'd have to figure out how to practice those things. Many, many of our intractable problems would be solved if we knew how to expand the people who have been touched and their lives changed in the way yours has. Thank you very much for joining us today.

MR. WITHROW: Thank you, Senator.

SENATOR WATSON: I just want to say on that, you said about legislating love. I found that opportunity, allowing people an opportunity, because the Black Muslims early on used to come to our door every single Sunday and preach hate against blonde hair, blue eye white devils and so on. My brother got caught up in it with one of the famous, well-known promoters of that thought and learned Swahili and went to Africa. But the difference was is that he interacted, because we were in an integrated neighborhood with people that were just like we were, and that opportunity to know others I think is what made the difference. And finally, the Muslims pulled out of that. It didn't go anywhere. There wasn't a huge buy-in. The kind of hate that they preached and biases didn't prove out. You know, there are good people of all colors and so on. My brother is probably one of the biggest proponents of the interversality and the commonality and so on. But they worked on it, they worked on us. They'd catch you on Sunday because you weren't in church, you see.

MR. WITHROW: And that's the same that's going on now. The peer pressure is going on on white youth as well as other youth of other ethnic groups.

I just want to state a small closing -- I know you're very busy and everybody has talked a very long time here, a little over schedule. My real hope is to protect this little girl right here. For ten months we've been trying to put this one man away. Just one man. I don't know if I'm allowed to mention his name or not. Maybe I shouldn't. I'd like to. They caught him with a shotgun. If I could write you just a letter, if you could help in any

way, because he's done it to many other little girls.

SENATOR LOCKYER: Please feel free to let us know.

MR. WITHROW: Thank you, Senator. Thank you very much.

SENATOR WATSON: Thank you very much. Stay strong.

SENATOR LOCKYER: I think probably, given the hour, it's the time that we should take our break. I apologize to those who have been waiting. The intention is to come back at 1:30 sharp.

(LUNCH BREAK)

SENATOR LOCKYER: We'll begin our hearing, led by Dr. White, and those who had been scheduled for the late morning panel from the victims' perspective if they would be available now it would be appreciated by us. Dr. White, Randy Imai, Anne Eisenberg, Vinh Liu, Kathlyn Green. If those folks are available if they'd come forward.

Thank you for joining us. I think we probably ought to get going, although there'll be members coming in and out.

DR. NATE WHITE: I'm Dr. Nate White, President of the Sacramento branch of the NAACP. I'm glad to be invited here but I'm sorry the rest of them aren't here because I wanted them to hear what I want to share with you.

First of all, I'd like to say that being a victim of hate crime takes a toll on whoever he or she may be. Being the President of the Sacramento Chapter of the NAACP since February, we never thought we could have such a thing happen to us. We lost \$130,000 in damages.

We encourage the passage of SB 559 that was vetoed. We also encourage the passage of AB 1296 and AB 1299. We feel that we need some hate crime bills.

I heard Mr. Persily say that he thinks money should be taken from DFEH and given to human rights groups. I want to say I would oppose that in all shapes and forms. Being a private employee of DFEH, I think that they need to create what I would call a hate crime unit. Being a former consultant there myself when I was there -- I left there in February and retired -- I had 130 cases. It's really impossible to investigate anything. So I would urge that monies be derived to them in some formal fashion to form a hate crime unit, one in the north and one in the south, and that consultant would only do hate crime and no intake.

Secondly, we think that -- we met with Senator Boxer this week to generate some hate crime laws. We think that the young man involved in our building at the time was alleged to be 17, now 18. We're looking at what's going to happen to him and we hope that he will get the maximum. My feeling is, if he was

Black he would get the maximum, but him being white I figure he'll get his hands slapped and go ahead on.

So coming from our perspective, it's kind of hard when you look up and find that on the 27th of July you've lost the history of your organization and your membership and all of the paraphernalia you get handed down for 77 years. And so we're looking forward to working with legislators to formulate some kind of hate crime bills and cooperating in any way possible to make sure it works.

And we're encouraged that if anything like this happens in the future that our Attorney General and our Governor would not wait so late to come out and take a stand like they did after the fifth bombing to finally get the courage and the guts to come out and send a clear signal to anyone who wants to do those kinds of crimes. It gave them a license and made them feel like that action was acceptable. We look to our leadership to take the lead role if something like this happens and send a clear statement.

Thank you.

SENATOR LOCKYER: Now, have they determined whether the young man was a loner or operating with any others? Has that yet been determined?

DR. WHITE: It's been alleged there was two others. We don't know.

SENATOR LOCKYER: So it's still being investigated.

DR. WHITE: Yes.

SENATOR LOCKYER: Thank you, Dr. White. You've been very patient to wait and we appreciate your involvement.

MR. RANDY IMAI: Good afternoon. Thank you for having me here. My name is Randy Imai. I'm with the Sacramento Japanese American Citizens League. I'm the current Chapter President.

Like Dr. White said, early in the morning on October 2nd our headquarters was also fire bombed. We had a total destruction of our two offices within the building. Luckily we had insurance that covered most of the cost but not all of the cost.

What I'd like to share with you is on December 10 we had a meeting, the community leaders here in Sacramento had a meeting with Senator Lockyer and with that meeting we outlined some of the proposed solutions to some of these problems and I'll be happy to share a copy of this letter with you. Right now it's under revision so once it's done I will make sure everyone receives a copy. But this letter was signed not only by...

SENATOR LOCKYER: Have they identified who did that? They think it's the same...?

MR. IMAI: Yes. The perpetrator of all the fire bombings was all done by this one person.

But this letter was signed by the Jewish community in Sacramento, the African American community, the Asian American community, the gay community, and the Latino community in Sacramento. But within this memo we proposed seven solutions.

Number one, as a country we need to develop a zero base tolerance for hate crimes and violence, and to do that -- number two -- public leaders need to be more visible in the condemnation of hate crimes.

Number three, we must assure that all levels of information gathering and policymaking at the federal level there is input by and participation of persons of diverse ethnic, religious, and minority background.

Number four, support for state and federal legislation imposing stiffer penalties for hate crimes.

Number five, support for education and funding for programs which teach tolerance of diversity.

Number six, funding for police and law enforcement monitoring and reporting of hate crimes and model programs that team police with community-based organizations in a proactive approach preventing hate crimes.

And number seven, the Sacramento local community-based organizations specifically ask the Senators to meet with heads of movie production studios to discuss their role and impact on hate crime and violence.

Thank you.

SENATOR LOCKYER: Thank you for being concise.

MS. ANNE EISENBERG: I'm Anne Eisenberg and I'm the Director of the Jewish Community Relations Council of the Sacramento region. It's part of the Jewish Federation.

First, before I give some of my remarks, I'd like to respond to a few things that Greg Withrow said because as the Director of the Jewish Community Relations Council in Sacramento I was often the recipient of calls complaining about the actions of Mr. Withrow and his friends. He was at American River College and they would plaster the buildings with white supremacist fliers. They would take down all the Jewish student fliers. There was nothing that really was done about it and they continued to operate at American River College over a period of years. The college, I guess, did whatever they thought they should be doing but it wasn't very much and it never put a stop to any of it, so that there was just this ongoing kind of racist climate which was created at American River College, which is a community college in the Sacramento area.

ASSEMBLYWOMAN LEE(?): How long ago are we talking about?

MS. EISENBERG: We're talking probably four or five years ago. I'm not

great at time. I've been doing this job for twelve years, so it all kind of blends together.

The other thing he talked about, Metzger's program "Race and Reason." This is a serious issue. He has available to him all community access television, and I get calls periodically from community access cable channels asking to put on other stuff that will counteract it. There's a lot of Holocaust denial that goes on. TV shows with Metzger and some of these other guys who talk about the fact the Holocaust never happened and all of this kind of crap which they put on the airwaves and it's totally free to them. And as he said, since they are totally committed to doing this they have a lot of time and energy to make sure that it gets spread out. Those of us who are not -- I mean, for us, it's kind of a sideline counteracting this and it's very disturbing in the notion of free speech -- and I know it's a very dangerous area -- but that the airwaves are completely free to people to spew whatever kind of hatred they choose to do. And it is certainly used as a recruiting tool. There's no question about it. In fact, I believe the young man in Sacramento who was responsible for the fire bombings talked about using Metzger's 800 number and getting all these messages from Metzger's 800 number. So this is an ongoing kind of thing.

Now, I don't know how you deal with it legislatively. The White Aryan Resistance movement is very active. We did two Holocaust workshops for public school teachers in Sacramento. After the first one the Sacramento Bee ran a front page article talking about one of the survivor's accounts with her picture. The next day, or the day after in Land Park, which we're all familiar with, there were fliers passed around by the White Aryan Resistance with clips from the Bee article and her picture denying the whole thing and saying that this was all a bunch of lies and it didn't really happen. And on the back of it it had a map showing the concentrations of the Latino and Black populations of the United States.

So they are very organized. They are out there. I don't know what else to tell you about that.

We were fortunate in that there were no successful fire bombings. On the other hand, we had a very serious phone threat to our institution which has a day school with 250 children in daily attendance and a senior residence. As a result of that, our community feels the need for continuing ongoing security on the grounds which we are paying for. It's an enormous financial drain for the community to have to do this as a result of these people.

What we did learn and what came out of it and what I think is incredibly important is that at each juncture public officials and the minority communities came together and spoke very loudly and said this would not be

tolerated in our community, and I think that this is critical that this happened. It's got to be unacceptable. There has to be, as Randy said, a zero tolerance for this kind of thing.

I would like to just suggest something which may be really off the wall, and that is a major media campaign over the value of diversity. Everybody's talked about education and I had words to talk about that too but it's all been said. I'd like to suggest that we sell the value of diversity the same way we sell cars, toothpaste, beer and whatever. We sold anti-smoking. California probably has the lowest smoking rate in the country. We were very successful at it. We have zero tolerance for smoke in this state. It's wonderful. But we don't see that. Some of us participated -- Barbara Lee was there at Kennedy High School -- where MTV showed this new series which they're going to be doing on television. It's got to be repeated over and over but as some kid said, he doesn't have cable. So he's not going to get it at his house. I don't have cable either and I'm not going to get it.

SENATOR WATSON: Let me ask you something. I was just thinking, the Bennetton ads, you know the clothing company, they've done a lot with Join Colors and so on, and I understand they've been under tremendous attack. Do you know anything about that?

MS. EISENBERG: I don't know anything about it at all.

The Anti-Defamation League has just started a billboard campaign. The first one is up in Queens and they've decided to take the fight to the streets essentially. I don't particularly care for the first billboard that they're doing but the tag line is "There's no excuse for prejudice." And the top one says, "She's not my kind of person," and then apparently -- it's in black and white -- but it's crossed out in shocking pink and it says, "Color" underneath. In other words, they're going to mobilize the media and I think that in this state, which is so media oriented, that we need to be mobilizing the best marketing brains that we've got and the entertainment industry and everybody to try to change the climate. We've got to deal with economics and we've got to deal with education and all these underlying things, but we also have to get a new imprint into people's brains. We have to recondition their thinking. And maybe something can be done with that.

SENATOR PETRIS: You mentioned Tom Metzger. Is he in prison? I thought he got a long sentence.

MS. EISENBERG: I believe he's out. He got a big fine. I don't believe he's in prison. I'm not sure. And if he is in prison he's acting from prison. But there is no cessation of his activities.

SENATOR LOCKYER: Members of the audience indicate he's not in prison.

SENATOR WATSON: Yeah. He said at the time that he was sentencing, he said, "It doesn't any difference, I don't have anything." So all of his resources are in the hands of others. I don't know why he didn't get any time. I know he had this huge fine. He was convicted. I think others got time and he might have done probation or something.

SENATOR LOCKYER: Well, there was a civil action brought and that's the one that I'm familiar with.

MR. IMAI: Can I add one thing -- I know there was an earlier question about the activity of white supremacist organizations here in California. I know for a fact there was a big controversy here in Sacramento -- it was some time earlier this year, I believe around the summertime -- but there's an officer from Sacramento here -- Sergeant Dave Ransom who may be elaborate, I don't know -- but apparently there was a national convention for white supremacists in Sacramento and I believe that...

SENATOR LOCKYER: How long ago? Was that recent?

MR. IMAI: I think it was July of this year.

MS. EISENBERG: Actually, they attempted to use a hotel in Sacramento and the hotel, at the last minute, pulled their permission because of various reasons and feeling it was dangerous.

MR. IMAI: Yeah, they cited security reasons, but the reason why the hotel didn't realize they were a white supremacist group is because they hid their -- it was something...

MS. EISENBERG: Called Jubilee.

MR. IMAI: No, it was something Christianity or something...

MS. EISENBERG: Yeah, hid under some totally different name.

MR. IMAI: So it is very active and very strong in California.

DR. WHITE: It was moved from the Radisson to the Sacramento Hilton Airport so they still had it.

MR. IMAI: And to have the national convention in Sacramento, it really worried our organizations tremendously.

ASSEMBLYWOMAN LEE: I think the notion of a major media campaign about the value of diversity makes a lot of sense. This state has been in a total state of denial for so many years about hate violence and racism and all the other issues we're talking about today. And so such a campaign, I think, would raise the level of awareness and force people in the state to deal with it head on. The issue, I think, is the content of that media campaign and I think if we move forward on this and if you have ideas on that we need to talk about how we put together something that makes a lot of sense so that the correct messages about diversity go out because we could do a disservice by having the wrong

messages go out.

Also, you referred to the youth forum last week which was an amazing forum. There must have been 300 or 400 young people there. For those who were not there there was a panel of persons primarily from the media, myself, the police chief of Sacramento and a couple of other people from various disciplines. And the majority of the questions or the statements which the youth made at that conference were not directed toward me but directed toward the media people and it's like, Why are these messages of violence put out there? That's all we hear. Give us some alternatives. Now, this was coming from young people who were struggling to deal with violence on all fronts.

And so we have got to really address that whole medium. The children and the young people definitely understand that they're not getting any alternatives to violence on the media and those are the questions they were concerned about. Not the laws, not the programs, not the budget but the media.

SENATOR WATSON: Rather than having to buy the media we need a buy-in from the media because they set off that perception. And I know last year, during the uprising, my biggest challenge, as the city was burning down, was trying to keep the media from contaminating everybody in the community. You know, they said, "Well, you're lawless." I said, "I live there, my mother and my family lives there. We're not all people without law abiding backgrounds." But the media does a lot to frame a particular image of a group of people and that's where we have to start.

I would agree with Barbara Lee, we just have to work with them, too, and the media here, you know, they don't spend time down in the community. We have a young woman who's the number one tennis player in the State of California at Dorothy High School where they had a drive-by shooting just recently. They're out there with the drive-by shooting but for this kind of thing, no. Academic decathlon. Think they cared about that? No. And we can't get them to tune in when there are positive things coming from our children or ourselves. But they certainly come in when there are riots and drive-by's and so on.

MS. EISENBERG: I've participated in another panel at Florin High and the same complaint was made by the young people that the images being portrayed of them and to them are very detrimental. And they feel it very strongly, and I really said to them that I think they ought to start writing to the media that they don't like it. They know. The kids themselves need to be immobilized to feel empowered that they can make a change because part of what the problem is is they don't feel empowered that they can do anything. I think these panels have been very interesting.

SENATOR WATSON: You know, when you start calling people animals and you

call them that enough they start -- you know, there's a new group out called "Doggy Dog", or whatever. They start (inaudible) and performing and then big business moves in and the media moves in and they see they can make a profit off of it. We really have some challenges in corporate America as well as in the press, too.

SENATOR LOCKYER: Thank you. Have you concluded?

MS. EISENBERG: I'm finished.

SENATOR LOCKYER: Okay. A local constituent of mine, Kathlyn Green.

MS. KATHLYN GREEN: Good afternoon. I'm Kathlyn Green and I live in Castro Valley. On September 9th I woke up and went out to my car and found KKK spray painted on the side and black tar poured on the top.

Well, I guess what happened as a result of that was I was invited to the Ethnic and Cultural Awareness Committee meeting through Castro Valley Unified School District and out of that meeting some of us got together and planned a march and we had an excellent showing, about 3,000 people, and out of that group, the group GRAB (Grass Roots Against Bigotry) has been created. That's sort of where we are now.

I didn't prepare a statement because I thought I'd just have like a few minutes at 10:30 but I would like to say, as a teacher in Oakland, that I would like to see people spend a lot of energy on the children and on preventive measures on making sure that schools have diverse staff and that children are exposed to different ethnicities and just get to see a little bit of everything. It wouldn't be so easy to hate or hurt someone if you've been exposed to them in a friendly way. And I think that that's part of the problem in Castro Valley is that there is just not a lot of diversity in the schools and kids can go through their entire educational experience without having an African American teacher. There's only one African American administrator in the district and that person was the only African American teacher at the same elementary school my son attends in Castro Valley where I attended. And so that needs to be worked on.

But I do think starting with the children, the young people. I think that the adult that has been brought up in a climate of hatred, it's very difficult thought not impossible to change them, but I think that we can change the children and raise them to look at each other differently.

SENATOR LOCKYER: Thank you, Ms. Green. Thank you for continuing to speak out. Appreciate your joining us and we hope to show you substantial progress this time next year.

There's a group of folks from law enforcement that I guess would comment now, if they're still with us. I apologize again for the lateness. Chief

Maginnis and several others, if they're able to help us with any comments.

The only thing I can say is I told my staff that it would expand this way because that's what always happens, that they had too many witnesses, but they said, Oh, no, no, it'll work this way fine.

CHIEF BOB MAGINNIS: Thank you. I'm Bob Maginnis from the San Leandro Police Department.

You asked us to look at three areas: response, data collection and training. If you'll allow me, before I start, I want to go back to something that Assemblywoman Lee was talking about this morning.

I'm Irish and there's a saying in Gaelic that (inaudible) is not defeat, the next time you go (inaudible) bigger ball." You guys are great. Don't give up that program.

Education is the influence or the future. I'm sure some of us will be talking about it, or education. We're very active in the schools in the D.A.R.E. program and I would offer to you it's probably the natural delivery system for a former curriculum that talks about kids getting along.

It's interesting, in kindergarten everybody gets along, and somewhere between kindergarten and the 5th grade they learn or they're taught this issue of hatred.

But be that as it may we're here to talk about law enforcement. Response must be a high priority with us, and I want to assure you that it is. There may be exceptions to that in California but we are not the exception. Each police department that I know of in Alameda County and those that are visiting from elsewhere in the state I'm sure would speak to the fact that each department has a policy statement in effect. It is incredibly responsible of us and important of us that we put our money where our mouth is.

It is also equally important that we treat victims with a sensitivity to issues when they are victims of hate violence unlike we treat victims of most other types of crimes. We are more sensitive and should be more sensitive to victims of this nature because if we're not they're victimized a second time.

The couple that appeared before you this morning talked about being terrified, angry and frustrated and had a sense of helplessness. Going to the police department, the last feeling they should get is anything that reinforces any one of those areas of being terrified, angry or frustrated. It is critically important that we treat the victim with a dignity that is deserved of a person who has been subjected to such a cowardly act.

It is important we work within our own industry and other components of the criminal justice system. Our goal is to put the cowards in jail.

I would apologize to you if you feel that I have no compassion. I'm

talking about adults who commit these types of crimes. I've seen too many of them, I've talked to too many victims, and the guys who commit acts like this belong in prison. With all due respect to the demands that are going to be made upon you in the next year or so and the critical shortage of prison space, I think these guys understand four or five years in the joint. If we're to be successful in ending some of this stuff we can't have any misdemeanor laws. Violations must be felonies. Let's forget about half time for good time. Let's forget about concurrent sentencing and let's forget about credit for time served. They don't deserve it. And we hammer these guys and put them away.

I know the streets are full of bad guys and we deal with them and there are other types of crimes and we'll deal with that, but these bastards belong in jail. And if you haven't been a victim of a hate crime as my wife and I have and as other people in the community have -- and I don't say put them in jail because they pick on me; that kind of goes with the title that's on the door of my office -- but you get angry after a while and you get frustrated just like the folks this morning. And when they come to us their expectation is we're going to do something to these people and I would submit to you that jail is the proper place.

Somebody mentioned registration of convicted offenders. I think that's a neat idea. I think it's a great idea. And it's not that expensive and we need to do something like that.

Perhaps there are civil remedies other than what's available in the law to recoup some of the costs the justice system has to put out to put these guys away.

And there has to be some type of injunctive relief or temporary restraining order laws that allows the folks that are getting the letters, the threatening letters to seek some redress. If we can't write a law, and I'm not a law writer, that it makes such a thing illegal, because ironically, if someone called these folks on a phone and said the same thing that was in the letters that's a misdemeanor because you can't threaten somebody over the telephone. Well, I don't think anybody ought to threaten anybody or be able to threaten anybody as they can and hide behind the First Amendment. That's a lot of crap. I say get a law, make it a misdemeanor, if that's the one we will allow, and when people start sending letters like they did to these poor folks in Castro Valley and we find out, so what if he's 73 years old? He belongs in one place. If he's going to carry out that type of violence or that type of intimidation all we need is a law to grab him.

SENATOR LOCKYER: I think we've got one. We just haven't pursued it, it seems to be the problem.

CHIEF MAGINNIS: It is frustrating. I've got to tell you, (inaudible) frustrating. And people are hiding behind their amendment rights like they hide behind the Second Amendment when they want to carry guns.

One last thing on the issue of response, victims, not all, but occasionally beg us to keep their names out of the press and we legally can't do that. Now, we can, as you know, for sexual assault. And what I would suggest is if you consider putting together something that would give the victim the option, it would allow us the option of keeping the victim's name and address out.

Somebody this morning said, Well, the reason we don't advertise hate crimes is because we don't want to put the city in a bad light. Well, in this county we put them right on the front page of the newspaper. They're all public record. And, in fact, in a couple of cases the media has been very helpful to us in getting the people that committed the act. I'm immediately thinking of a cross burning case we had, and we were successful in capturing the people that committed the act and they were prosecuted. In fact, the prosecutor will be speaking to you today.

So there are times the media does help us, but there are times that the victims have begged us to keep their names out and we have not been able to do that successfully. So I would just offer that to you.

In the second area you asked about data collection. I think you've heard a lot about data collection. This is going to sound like throwing stones, two or three years ago, or maybe it was four years ago when a law came out about state collecting data, we sent all of our hate crimes to the state and we wanted to know why we sent them to them. We said, Well, you're collecting data. They said, Oh, and that's kind of the last we heard of that. I don't think it's a bad idea. We collect data on a lot of stuff we don't need. We collect data on a lot of stuff we do need. We have an incredible system for stolen cars. I'm sure we can do something with data as well.

And I think we can probably develop better profiles of the offenders. All we know is they're cowards. It's the tendency sometimes to kind of generalize and perhaps data collection can make it a little clearer for us in those arenas.

And there's some patterns to particular types of acts such as synagogue bombings that are not endemic to one local city. And while we share information on a lot of types of crimes, we share information and we're pretty good at it in talking about hate violence and bias types of crimes. Data collection, I think, would help in that area.

I think perhaps you've probably heard enough about that.

The third and last is the training effort. Our training efforts to teach

new officers -- with a quick caveat that we have a three-year hiring freeze; we haven't hired anybody for three years though -- the curriculum in the academy is now three years old. It is being reviewed by POST in January of next year and there are some of us (inaudible) that are working with POST. I assuming you know who POST is. The training delivery system is victim driven and it must be. victim driven. and naturally it dwells on the type of crime and for the elements of the crime and how the case is investigated. But it also is very heavy on taking care of the victim, because again, we don't want to victimize the victim one more time.

After the student comes out of the academy, which is a six, seven or eight month experience, we reinforce this learning curve, if you will, in the field training program, and unfortunately, during the field training program the officers will go with their training officer to a hate crime incident and apply what they have learned. In using the old adage "that there's no substitute for experience," the officers learn very quickly the severity of being accurate in reporting this type of crime.

That also carries into the supervisory and management rights as well as we are required to send our supervisors and managers through state sponsored and certified classes, and in those classes their respective responsibilities in hate crime issues are discussed.

Two last areas. Working with schools. Law enforcement in Alameda County has developed with the school districts in Alameda County, and I know that Assemblywoman Lee was part of this, we've developed a reporting system in a spirit of working together here, and that's been going for a year or so. I don't have any kind of numbers on how successful it has been but it's better than what we did before, which is nothing.

And last of all, to go back to the first thing I said, that the D.A.R.E. system is already in existence in our schools. The cops are there and I think they present excellent role models and I don't think there's any reason that we cannot start in kindergarten talking about how to get along.

Thank you.

SENATOR LOCKYER: Thanks, Chief. Very precise. Who's next on our list?
Good afternoon.

OFFICER SANDY BARGIONI: Hi. I'm Sandy Bargioni and I'm with the Hate Crimes Unit of the San Francisco Police Department and I will try to be as concise as possible.

The San Francisco Police Department, in a response to the needs of its community, formed a specialized unit to investigate hate crimes in December of 1990 under former Chief Willis Casey's direction. Five investigators are

currently assigned to the unit and have full-time responsibilities. And I would like to take a few moments to hopefully give you what I think is a fairly positive program that this unit has brought about but also to say that I know that we are still in the infancy stages of making this program successful.

In early 1991 our department was instrumental in forming the Bay Area Hate Crime Investigators Association which is comprised not only of law enforcement personnel from the nine Bay Area counties but representatives of a variety of community-based organizations as well. This is very unique for law enforcement association to actually combine with community organizations in this particular way.

We learned early on that the fight against hate crimes in our society is not a task for law enforcement alone. Why? Because it is imperative that we make inroads into communities that have a history of victimization based on their race, religion, sexual orientation and so on. Unfortunately, some of that victimization is perpetuated by fellow law enforcement officers whose actions taint the thousands of police officers who are trying to do it right and whose actions prevent us from gaining much needed trust and support in a variety of communities.

In the furtherance of the goals of the Hate Crimes Unit we provide monthly statistics to our command personnel within the department. Our chief receives statistics on a daily basis of hate crimes, and we also provide statistics to community organizations who merely request the information. These stats are vital in providing an assessment of trends in the area of hate crimes as well as documenting locations where these incidents are occurring. Furthermore, the statistics also assist the department in the deployment of personnel to hot spots throughout the city where a pattern of hate crimes may be occurring. Community organizations as well become aware of incidents that are occurring amongst their constituents in their communities.

Unfortunately, however, we also recognize that these statistics do not always provide an accurate picture of the volume of hate crimes that actually take place. Statistics gathered by the FBI, for example, are greatly under-reported by local law enforcement agencies, thus presenting a false picture of the magnitude of hate crimes in our country. While the State of California has mandated that hate crime statistics be kept, as we know no funds have been provided to allow this task to take place. How can we expect a governor to really see the scope of a problem if he has no idea how many crimes of this nature are occurring in his state? While many police departments are taking hate crimes seriously others are lagging behind because of a false perception that there is no real problem out there.

I would like to make two recommendations to you today.

First, we must find the funds necessary to allow for the documentation of hate crimes taking place within the State of California. This could have a ripple effect. First, it will allow us to evaluate the problem on a larger scale. This, in turn, could allow for the disbursement of funds both public and private to police departments as well as community-based organizations that are working to combat hatred in our society.

Secondly, we must set up mandated training programs for all aspects of the law enforcement community, from the cop on the street to the command staff at the department, to the sheriff, to the chief of police; from the Department of Corrections to probation and parole. Currently, at least in San Francisco, this type of training is provided to all recruit classes, both those that will become San Francisco police officers as well as regional academy classes. Some training takes place in advanced officer training. No training is provided to command staff.

The training provided should address two specific areas.

First, it must deal with both the criminal and civil hate crimes statutes and a proper means of investigating a case. And I can tell you firsthand, there are very few cases that we can go forward on criminally, but the civil law offers us much more latitude as well as very creative ways of dealing with these cases. Diane Chin mentioned one this morning that we were very successful, in fact to the point where actually the perpetrator in this case was forced to move out of his home in San Francisco. He was also fined \$25,000. Money talks.

More importantly, this training must provide an educational component which will stress the need for police accountability in the way we deal with the public when it comes to issues of personal prejudice. For until we become accountable for our own actions under the color of law, we will have little success in convincing our communities that we care and we will never gain their trust.

Thank you.

SENATOR PETRIS: Where'd that fellow go?

OFFICER BARGIONI: Marin County.

SENATOR LOCKYER: Thank you very much. Sergeant Ransom.

SERGEANT DAVID RANSOM: Good afternoon. My name is David Ransom. I'm a Sergeant with the Sacramento Police Department. I'm the supervisor in charge of our Family Abuse/Bias Crimes Unit. It's a pleasure to be here this afternoon and on behalf of the Sacramento Police Department I'd like to thank you for giving us the opportunity to let you know how we are handling hate

crimes in Sacramento.

As you're all aware, recently we had a series of fire bombings. The areas targeted were the congregation of B'Nai Israel, a city councilman's house, the NAACP, the Japanese American Citizens League, and one of the state offices, the Department of Fair Employment and Housing.

Through community awareness and involvement law enforcement received information that led to the arrest of a 17-year-old suspect.

SENATOR WATSON: In all of those different incidents?

SGT. RANSOM: They were all done by the same person, that's correct.

SENATOR LOCKYER: Has he admitted to all of them?

SGT. RANSOM: Not publicly but he's kind of hinted around that he was responsible.

SENATOR WATSON: Working alone or with others?

SGT. RANSOM: Oh, there were two other people with him who were about 16 or 17, and I think one other person may have been 21. The person who's 21 years old left town and we're still looking for him. We don't know where he is. But the 17 year old is the primary suspect and he is the one who we know did it. Whether or not this person is going to be tried as an adult remains to be seen. I believe the day after his arrest he turned 18, so that's still going back and forth _____ (inaudible) _____.

SENATOR WATSON: Is he local?

SGT. RANSOM: Yes. He lives in Sacramento, within the city limits.

Dealing with hate crimes of this magnitude is relatively new to many law enforcement agencies. The community wants to know what the police departments are doing as far as reporting, collecting and distributing this type of hate crime data.

The Sacramento Police Department did the following regarding reporting and collecting hate crime data.

In 1985 the police department voluntarily began collecting hate crime data. In August of 1990 a special box was put on the front page of our crime reports and it was called "Bias". The officer who took the report could either check yes, it's bias, or no, it's not bias.

SENATOR LOCKYER: And that would be every crime -- battery, or what have you?

SGT. RANSOM: Yes. Absolutely. If a person calls a crime in to the report writers, the forms that they use have a box to show whether or not this is a bias crime or not.

In March of 1991 the...

SENATOR WATSON: Sorry to be interrupting you -- so you mark it. What

happens from there?

SGT. RANSOM: Then we track those by computer. And I'll come to that a little bit later.

In March of 1991 the police department incorporated the Bias Crime Unit with the Family Abuse Unit. In April of 1991 we developed a bias crimes brochure and we also had a bias crimes telephone hotline put in our office and a person who calls in can remain anonymous. If anybody has any information regarding bias crimes they can call that number.

We also put together -- I should say the Sergeant also puts together a monthly bias crime report, which that's my responsibility. Copies are sent to the chief of police and various other department heads. Copies are also sent to the local NAACP and to the local branch of the Human Rights Fair Housing Commission. Starting next month a copy is going to go to the Japanese American Citizens League and also to another organization called the Chicano Consortium.

One of the questions that came up was ways to improve current law enforcement responses to bias crimes. Now, I have to admit, when we had that rash in Sacramento, which just caught everybody flatfooted, we all scurried around in deploying officers. They took detectives out of their respective units and put them out on the street and a lot of them hadn't been out there in the past 20 years and everybody was out beating the bushes. Agents from the FBI and Alcohol, Tobacco and Firearms. I mean, there were more cops than trees.

SENATOR WATSON: That's a lot in Sacramento.

SGT. RANSOM: One of the ways that we think that we can improve current law enforcement responses to hate crimes is to have a community conference on hate crimes. So many times we have law enforcement conferences where all these cops get together and we end up telling a bunch of war stories. Well, let's try to have one that involves the community. Let's get guest speakers from churches. Let's get guest speakers to come from business organizations, from community groups such as the GHDL, the NAACP, La Familia, the Lambda Center, the Urban League. Let's get these folks involved in this. Let's let this be their conference. Let's also have people there from women's groups, from youth groups, and representatives from law enforcement and just kick around some ideas, a sort of brainstorming session to come up with something.

We should also establish a telephone tree, which is what the police department did when these crimes first started occurring in the city. What happens is that a representative from the police department would call a representative at the Human Rights Fair Housing Commission. That person would telephone someone at the NAACP and on down the line. And in this way everybody

is getting the information firsthand and they aren't getting it on their way to work. Then, of course, they'd get upset: Why wasn't I told of this? We ask them, Do you mind if we call you at two o'clock in the morning and wake you up, and they said, No, I would appreciate it if you did. We've already established that telephone tree and we're going to keep it going.

We should also have community forums. When Chief Venegas first took over as Chief of Police back in January, he had about nineteen community forums throughout the city of Sacramento, and what he did was he went to all of the neighborhood community centers and he invited the community, he said, Come on down and let's have an old fashioned town meeting and share your ideas with us; what are your concerns, what can the police department do to make this a better community? Well, we did it then. For some reason, during the series of hate crimes we didn't do it. Why? I don't know. But we didn't do it, but I think we should do it and I think, if something like this happens again and I hope to God it doesn't, we may go that route.

Those forums would be good because so many rumors start going around when things like this happen and it would give the community a chance to ask the police department, Tell us, what's going on, and separate fact and fiction.

Press conferences. We should have those on a regular basis because if the media can use us, let's use them for a change.

Public service announcements denouncing hate crimes. We need to have more of those. We ought to have young people give these PSA's because so many bias crimes are committed by youth. If we're going to have these PSA's, then they should be aired during prime time, not at 3:30 in the morning when very few people are up to see these.

A lot of billboards are out. Driving from Sacramento down here I see billboards all over the place. Let's utilize some of those billboards and all these placards that are on city buses. Let's utilize some of those placards and get the message across that bias crimes will not be tolerated.

Establish a bias crime hotline. We did that. Other agencies can do it also. Because what law enforcement is telling people is that we are here, we are concerned. You can call us, tell us what's going on. If you know who did it, tell us that. You don't have to tell us what your name is.

We should also produce bias motivated crime brochures. We're telling people what bias crime is. You may want to have a little blurb in there about the Ralph and Bane Civil Rights laws and where a person can't go if you get restraining orders or who they can report these crimes to. You can mass mail those things by use of PG&E and also Pacific Bell telephone monthly statements. I was told last week that PG&E, in fact, will mail those out for you free of

charge.

Another program that might be pretty good is called a SPIRS. SPIRS is an acronym for Student Problem Identification Resolution. This is a school program that is designed to improve conditions on school campuses to prevent racial tension and violence. That's something that the Sacramento Police Department is looking into.

What about parent coordination and training efforts? Right now we are networking with various community groups who establish and maintain open lines of communication, and we will continue to do this. It's like the telephone tree I just mentioned.

Training efforts. In 1976 the police department started teaching cultural awareness in our basic police academy. It was a four-hour block of instruction then, it's a four-hour block of instruction now. In 1990 we started teaching bias crimes at the basic police academy in conjunction with the cultural awareness programs. That was a two-hour block of instruction. In 1991 we started teaching bias crimes at our yearly advanced officer training. POST recommends, or POST mandates that we have advanced officer training twice a year. We have it every year and we all have this two-hour block of instruction regarding bias crimes. Effective January of 1994, POST will mandate that there be 16 hours of cultural awareness courses at the police academy.

The Sacramento Police Department considers hate crimes to be very serious offenses. When these crimes occur we investigate them. We investigate them thoroughly and we try our best to apprehend the people who are responsible for these crimes to get a successful prosecution.

SENATOR WATSON: When the NAACP was bombed in Sacramento, and I don't know if that's Mr. White, and I guess he's left now, but I understand a few days later, as they moved into their new facilities, they broke in there and took all their equipment. Now, what kind of follow-up is done? I know they burned the office completely. Changed location. I mean, did the police department do any securing of that new facility? What happened?

SGT. RANSOM: What happened on that one was that nothing was taken and nothing was destroyed. Someone went in there and they messed the place up.

SENATOR WATSON: The second place?

SGT. RANSOM: Right. This is when they moved to their new facility.

SENATOR WATSON: I hear they lost all of their equipment.

SGT. RANSOM: No.

SENATOR WATSON: Okay, that was not correct.

SGT. RANSOM: You were misinformed. They took -- what's that stuff called? Yeah, xerox (inaudible) but they call it something else. Anyway, as I say, the

xerox (inaudible) and they sprinkled that stuff on the xerox machine, on the floor. They took down a fire extinguisher and just kind of sprayed it around. No racial graffiti was written. No one claimed responsibility for that. The building was locked. We have no idea how the person or persons got in. That one is a mystery. And as far as I know, the 17-year-old we have in custody does not claim responsibility for that one. No signs of forced entry at all. Still somewhat of a mystery as to who did it or why.

SENATOR LOCKYER: Thank you very much for your comments. Lieutenant, are you next?

LIEUTENANT BILL ROBERTS: Yes. Mr. Chairman, committee members, thank you for inviting me to speak here today. I'm Lieutenant Bill Roberts from the Sacramento Sheriff's Department. Like my colleagues Dave and Sandy have already spoken, and quite eloquently so, my comments are going to be very short. I think they've read my notes.

Law enforcement response, is it adequate? I would say, generally speaking, yes it is. I don't know of a jurisdiction in California that would allow a hate crime to go uninvestigated or unattended on purpose. The majority of hate crimes are largely property crimes: vandalism and sometimes felony crimes of arson. The response by law enforcement is generally incident by incident, and by that I mean you have to evaluate each and every one of these and then go forward with that evaluation.

Hate crimes receive a greater response than other similar crimes such as a normal vandalism or graffiti of some sort or simple battery of one person versus another.

SENATOR LOCKYER: Could you estimate how many result in an apprehension and/or conviction?

LT. ROBERTS: My department also has been tracking hate crimes since 1987 and ours has been dramatically reduced year after year. In '82 we had 70 hate crimes but only 18 percent of those were cleared by either arrest, warrant request or unfounded. In 1993 only 35 hate crimes for the County of Sacramento were reported with a 15 percent clearance rate.

So as the Chief spoke, usually your suspect is a coward and so he's not seen, or she is not seen. The ones that we do clear are usually those of the crimes against people because you do see who your perpetrator is.

Why must we be so diligent on bias crimes and hate crimes? Because there's a general unrest in the community. The community becomes the victim. They feel singled out, more vulnerable, more threatened, and the community expects and deserves an appropriate response. And so we do.

Property crimes, however, should not take priority over crimes against

people. We do give the highest priority to hate crimes against people, but reality is, we handle hate crimes versus property lower than we do the normal crimes against people. We investigate those first, be they hate or not.

So yes, law enforcement's response to these kinds of crimes I feel is adequate.

One of the things I might point out, I think that it's been shown here today that there is no great organization that targets a particular community for hate crimes. I think the focus is clearly local. Where these people may get their rhetoric and learn to hate even more might be on a national level, 800 numbers and things such as that, and leaders that the media so willingly show. But usually, it's local in focus. And as good as your particular community law enforcement is, it's going to be as good as your response is to the hate crimes themselves.

The reporting and collection of data. I already told you my department, much like the city police department, collects bias motivated crime data, even though we're not mandated to do so. I think that's a shame. And Senator Watson, I wish that your bill would have gone through because there are any number of benefits from that. There are federal funding out there, there are grants, and there are community-based organizations who could serve well by having these statistics to rely on when asking for help. If I asked you today for help and didn't have the numbers for what's going on in Sacramento, it would be irresponsible for you to give me the blank check.

SENATOR WATSON: You know, you mention that. I just got lobbied yesterday, because my county wants to fingerprint new applicants for welfare and they have sent lobbyists to me at social events and all around, and I'm just not interested in doing that. I wish they would some way spend that kind of money to account and count the hate crimes within the county and we can do the same thing at the state. I'm really not going to confront the Attorney General on this because he did call and say he was in support of my bill but we've been privy to a private conversation saying that that's not quite the case. So, there is money to do that with and he said there was money within his own budget.

SENATOR LOCKYER: This isn't very much money either.

SENATOR WATSON: It's not a whole lot.

LT. ROBERTS: I think we would find that the Department of Justice already has in place the mechanism. It's merely the programming in order for them to receive it. Most departments, such as mine, have crime reports and have them coded for crime such as this. The brochure that Sgt. Ransom talked about is shared by the Sacramento Sheriff's Department and in it we tell of all the

community-based local support programs, what constitutes the crime, what you can do, that sort of thing. We mail it out.

SENATOR WATSON: I should have gotten smart with my legislation. I should have said every single hate crime should have a pair of fingerprints attached to it, because we have this intricate magnificent system to search out former criminals through fingerprints. We ought to attach a fingerprint, you know, any fingerprint that we catch at the NAACP headquarters or wherever the hate crime was committed. Maybe that would get them moving.

LT. ROBERTS: I'll go away from reporting and collection of data and just go right to coordination and training. I could truly not add anything more than Sgt. Ransom has added, except for one thing. And that's during crises is when police departments are at their best. That's been, I think, universally acknowledged.

SENATOR WATSON: Unless you were in Los Angeles in April.

LT. ROBERTS: Let me speak of that.

We've had an earthquake, a devastating fire, and an unbelievable riot; yet, people of all color came together in all of those kinds of tragedies to help each other out. The majority of the people of this state, as well as probably the nation, are good, great people. So if we can ask you to go back to the Legislature and talk to whomever will listen and come up with just a pure piece of legislation that would make this much, much more easier for the communities and for the people that you represent.

SENATOR WATSON: We started off with a domestic violence legislation. I'm the one that put the box on, or check-off and it's worked very well. We have heard from law enforcement up and down the state that they like it because now they are trained and prepared to go in and deal with a domestic violence situation. I'm sure we'll have our pieces in. I'm sure Ms. Lee and myself and maybe the Pro Tem. We do it year after year.

LT. ROBERTS: If a survey was done, I would bet you that most of the jurisdictions in California already do collect this data. We're not mandated to do it but we do it because they're responsible and you have to know what's going on in your community.

SENATOR WATSON: And what we would like is a picture of the patterns throughout the state. I understand that Sacramento is a hotbed, I've been told, and I've been threatened, and I realize my car sitting outside was a sitting duck, but in the area in the hills north of Sacramento is where the paramilitary training, they tell me, is going on. I'd like to get a picture, a statistical picture of that. That's why I wanted it in the Attorney General's Office. So we're going to work on that.

SENATOR LOCKYER: Thank you very much. Captain Black. Looks like the older ones have more rank.

CAPTAIN RON BLACK: Or the ones with less hair?

SENATOR LOCKYER: The young ones are -- no, no.

CAPTAIN BLACK: But you can make reference to the less amount of hair on our...

SENATOR LOCKYER: Oh, maybe that's it.

CAPTAIN BLACK: I go to the same barber Sherm Block goes to.

Mr. Chairman and members of the Senate committee, thank you for inviting Los Angeles Sheriff's Department to be here.

My colleagues and others before me have done an excellent job in reporting, I believe, the status of hate crimes in our communities and now we're into the law enforcement portion.

SENATOR LOCKYER: Do you have that sort of check-off system, too, when a call comes in, or something, whether it was bias or not?

CAPT. BLACK: Well, it's archaic but we use stamps on the reports where there are boxes, yes.

SENATOR WATSON: It's on the police report, as I understand.

CAPTAIN BLACK: Yes.

SENATOR LOCKYER: Same idea so that information goes into some computer.

CAPTAIN BLACK: That's true, but the only problem with that system is when we computerized our records bureau -- in fact, the FBI's been meeting with us, trying to get us in compliance with their request -- is that we haven't sufficient enough digits in the coding system to throw those reports all out so they're into different baskets so we can deal with them. Right now we're still doing a hand search.

I am pleased to note that our numbers of hate crimes that are reportable that we have received are consistent with the prior year.

Now, that is true what we heard earlier today that we're not reporting well. We have gone through an extensive training program in our agencies trying to provide that level for our street officer to be able to identify whether this is truly a hate crime or a vandalism or just a pure crime. So we're still having difficulties with that. I think that's by and large across the board for law enforcement is clearly defining, is that a hate crime or bias crime or just a straight crime?

We have no real true series of crimes in particular. We have the synagogues, we have the cemeteries. The headstones being turned over. Senator Watson, I think you've read some of those in the past. We have the spray painting. We have numerous attacks on Asians, and I think we can logically

predict that to increase in much greater magnitude than we've seen up to now. 1997, people predicted would be the time of the Asian influence but they're well here as well as the criminal activities are here and we're going to see a lot more of that, and I think we even saw white/Black, brown/Black.

I am proud that law enforcement's efforts in cooperating together has been successful recently. You've had jury events up here in the central area but my two officers were involved in the AME Church and the Rodney King and, in fact, my officers both got commendations from the director of the FBI yesterday for their particular involvement in that case. But that points out that many times these groups, who are not just local, they are mobile -- they're not like local gangs who have their own turf -- you know, they will commit their crimes in jurisdictions. That has to be a cooperative effort between law enforcement. And this case with the FBI, it took us all over Southern California.

SENATOR WATSON: Excuse me, may I just interrupt, because I read something yesterday in the Santa Monica Outlook, it had to do with a city councilman down in Inglewood, Garland Hardeman, who used to be LAPD. I'd like you to read that story because he went in to his locker and there was a chalk outline of his body on the floor. That's when he quit the LAPD. Now, to me, that would constitute a violation within the department. How much is there following up of that kind of thing? He's very vocal, an African American, a Don Jackson type, who has been threatened internally. Can you just elaborate on what's being done in terms of the hate violations inside?

CAPTAIN BLACK: I can't reference that case because that would be Los Angeles or Santa Monica. We have our own, in terms of sexual harassment and other ethnic harassment, cases where cartoons have been put up. In those matters we have discharged, we have fired our employees when we find out who's done it, or we discipline very severely.

SENATOR WATSON: Do you go after those as committedly as you do the hate crimes that occur out in the community?

CAPTAIN BLACK: Without a doubt. In fact, those are treated as equal to any of our most serious ones on the streets because that is merely a reflection of a person's attitude that if he does it at home he'll do it on the streets.

SENATOR WATSON: Well, I've had a series of hearings, as you know, on just this: internally. I mean, some of the insurance departments and some of the stories I heard would make your hair stand up on your head. I'm just wondering, and particularly in certain areas of L.A. County are outside of L.A. County, do you go after these kinds of violations as intensively as you would if they happened to citizens?

CAPTAIN BLACK: Well, you can rest assured we do, and I have personally

said it and Sheriff Block is very adamant on moral issues and this is very definitely a moral character issue and it's right at the top and we do pursue it aggressively.

Back to the hate crimes, our experience has been, outside of the White Aryan Resistance and the other avowed anti-Black, anti-ethnic groups, outside of those groups most of the occasions of these types of crimes are committed by juveniles, or minors, and they are serious. You know, a number of these here that we have listed for this current year probably will be attributed, when it's all over with, to one or two people committing most of the crimes in some of these cases. And that goes back to the parenting. You know, we feel very strongly that there needs to be some very healthy parenting, there has to be some strong education in the schools. It's been well said several times this morning and we support you in your effort. I am disappointed likewise in the Governor for not having signed it. I do believe with the Chief that the (inaudible) and the D.A.R.E. programs are a vehicle that's already in place that we can expand upon. The peer group pressure of young people, those same elements that are used to try to get them out of gangs and dope, should be able to be used to keep them and bring them along into being fine citizens that respect the rights of others.

You're well aware, Senator Watson, of the Cults Commission and the Christopher Commission reports and the amount of training that we're doing. I'll not bore you with the types of training but I can tell you now there is an ample amount of training going on in working with our young officers in our middle management personnel at the very top. We're proud of that effort. We're making some giant strides. But we are having troubles hiring people without their biases. They're coming to us from very young ages with this bias already built in. Chief Maginnis mentioned earlier about kindergarten. We need to start very young.

I have a grandson who is half Mexican and he's half American German, and he showed me this week his Show And Tell showed a doll half Mexican, half German with (inaudible) hose on the one side and the serape on the other side, and he read me the story about how he's so proud about being Mexican and German American. And I'm happy for him, but I have hope that as he becomes older these peer pressures that Chief Maginnis was talking about don't change that sense that he has right now. He is proud to be what he is.

SENATOR WATSON: Let me ask you something. You said the training now, many people come in to it with their prejudices and biases. What kind of selection process will they go into so you can weed out some of the people who are intractable in terms of their attitudes?

CAPTAIN BLACK: That would go into psychological testing and I'm not...

SENATOR WATSON: Or do you do anything? I mean, you just don't take everybody in the sheriff's academy.

CAPTAIN BLACK: No. We think we do a good job but obviously we don't always do as well as we'd like, but we do have psychological testing. Right now, with the costs, and thank goodness, 172 did pass, we can continue on with some of those critical types of testing that needs to be there. Incidentally, prior to 172 I had lost 42 people that deal with organized crime and with hate in the terrorist groups. We took a really bad fall before 172 so we're thankful that the voters of California did give us that measure of assurance for one more year anyway, so thanks to all of you.

In conclusion then is we have programs in place, we have training of our officers. Our reporting system needs some help and we definitely do not report all the hate crimes that are there accurately. We do need to work towards mobilizing the media blitzes. I think that's a great idea. It surfaced earlier. There needs to be a zero tolerance for hate crimes and we do not condone it and we will aggressively prosecute any case that we can solve.

SENATOR PETRIS: Thank you very much. Any further questions from the Members?

Okay, we'll go on to the next panel. Now we have representatives from various district attorneys' offices. I guess Mr. White is no longer here. Would you give us your name?

MS. ANNA BRAVO: Thank you. I'm Deputy District Attorney Anna Bravo and I've been the hate crime prosecutor since December of 1990 when Mr. White recognized that the hate crimes were on the rise, and he appointed me to prosecute hate crimes.

In that capacity I also was able to get a victim witness advocate, one of the recommendations I'm going to make to the committee today. Our victim witness advocate is funded through the Office of Criminal Justice Planning and she has been trained, along with me, in prosecuting and assisting victims of hate violence.

When he appointed me, part of my task was to educate myself on the laws to liaison with different law enforcement agencies, community-based organizations, which I have done, also train deputies within the office as to what is and isn't a hate crime. I have done that for the last three years.

Our victim witness advocate has also been trained in that area, specifically because as a victim of a hate crime, it's not the same as dealing with any other type of victim because you're dealing with the whole victimization as a community. So she counsels victims. Even if a defendant

hasn't been identified, she still counsels those victims, which is unusual because most district attorney's offices, there has to be a perpetrator arrested or identified before a victim witness advocate will even talk to them. So she'll counsel them regardless of whether there has been an arrest.

Some of the areas that I would like to see is specialization. That is, that when D.A.'s are appointed as hate crime prosecutors that we are trained properly, because even among prosecutors or other attorneys there is a misconception as to what is a hate crime. There are deputies that come down and want to give me cases, specifically just because there are racial epitaphs that have been exchanged. That is something that I think Luis Aragon from San Diego is going to touch upon as to how we can do that, specifically through CDA (the California District Attorneys Association).

In addition to that, that there is a person that is named within a district attorney's office that prosecutes hate crimes. Because the law enforcement person or a community-based organization that is looking particularly for someone to give speeches to a school or to their community is going up and down looking for somebody to speak to them without an identifiable person.

I know that Sergeant Ransom, I believe, from the Sacramento Police Department stated also that what is needed is conferences so that all of these different people from the different disciplines can come together and exchange ideas. We have done that in Sacramento. In May of 1992 we held a conference. We had people from the religious community there, community-based organizations there, from law enforcement, the district attorney's office was there, victim witness advocate groups. It was a one-day affair.

The one criticism that we did receive was that it was too widespread; that is, that we weren't focused as to who we were focusing: Are we training the people that are in the actual type of job within a hate crime prosecution or assisting a victim or was the conference targeted specifically as to people that had been victims of hate crimes? So I think that in the future we will have a conference but be more focused upon who we're going to serve in that conference.

Other than that, I want to turn it over to my colleagues who are present at the table. I'm happy to receive any questions. And I offer the regrets of Steve White. He had to host a workman's compensation conference in Sacramento.

SENATOR PETRIS: Any questions? Okay. Next in order is San Francisco. I don't see Mr. Smith here.

MR. CHARLES HAINES: No, but I'm here for Mr. Smith. My name's Chuck Haines and I'm a Deputy District Attorney. I am in charge of hate crimes in San Francisco, a job I've had for almost two years now.

What I thought we would respond to was your request for some suggestions with respect to legislation and the statutes that are on the books. And so turning to that, let me start out with Section 422.75. That's (a) and (b). This is the enhancement section. I don't know if you're familiar with the legislation but it provides that when you have a felony which is committed and which qualifies as a hate crime we can enhance the punishment by alleging an enhancement under 422.75, either subsection (a) if the perpetrator acts alone, or (b) if the perpetrator is acting with one or more persons in concert.

And the reason I bring this up is because (a) and (b), unlike the other two primary hate crime statutes -- 422.6, the misdemeanor, and 422.7, which can make a misdemeanor a felony -- those two sections do contain gender as one of the enumerated classes, protected classes. Sections (a) and (b) of 422.75 do not, and there have been many questions raised by different groups as to why gender would not be included. I know that there has been some opposition to this on various grounds, but our office has studied this and the position we want to take is that we would suggest that you consider adding gender as a protected class under 422.75 (a) and (b) with the following caveat and limitation. I think all prosecutors would share my concerns and, in fact, I think this is the major concern.

We would be concerned that this would somehow impact upon the existing statutes which relate to the prosecution of sexual assault cases, and what our concern is, is that some -- well, what we would suggest is that if you would include gender among the classes that the statute clearly and unambiguously indicate and provide that it would not affect any of the sexual assault statutes. We don't want to add another element to be proven in sexual assault cases. They're difficult enough as it is to prove without adding an additional element. We want to keep these two groups of cases separate for that reason. Actually, I would suggest that if you didn't put that limitation in, the result could be that it could impact sexual assault cases and result in fewer convictions, and that's something everybody wants to avoid.

That's as far as 422.75 goes. The other statutes, as I mentioned, already do -- I think the last session of the Legislature gender was included in those sections, or at least in one of them.

The other would be with respect to all of these sections: 422.6, 422.7 and 422.75.

We've run across a situation on at least one occasion where we've had -- well, the suggestion we're making is that it be amended to include associations between groups enumerated in the statute. And what I'm getting at in this case would be a situation where you would have two or more people from the groups,

say, Black/white, Black/Hispanic who are associated for some reason and are attacked because of the association. What would generate the attack is the fact that the -- for example, I'm using race, the two races are interacting. And we've had situations where that's happened and I think you might want to consider looking at the statutes to cover situations where associations between and among classes are covered under the hate crime statutes because they sometimes do form the basis of attacks on people for that very reason.

The other thing which came to mind today, talking to some of the people, I haven't thought of it before but it's not really clear under Section 422.75, the enhancement statute, as to whether or not and when these additional punishments can be imposed and are there limitations, for example. Can you impose it when you have great bodily injury under 12022.7? And what about the use of a deadly weapon and the use of a gun (12022.5)? Are the enhancements under 422.75 fully consecutive to and in addition to these other enhancements in the cases where you might have that? That question has arisen and, of course, lawyers have taken positions on both sides and I think it's something that the committee might want to look at just to clarify.

Another situation along those lines and involving this is where you have multiple victims. We had a case this year where we had multiple victims, basically a crime spree over a considerable period of time and then the question arose: Even assuming you can impose this enhancement we're talking about under 422.75, what about with multiple victims? Can you use a full enhancement and impose it consecutively or is there a limitation of the mid-term of the enhancement? It's not clear from the way these statutes are written and there does not appear at present to be any case law on the subject. So it would be helpful if you might take a look at that and consider if you feel that it would be proper or appropriate to clarify that.

And I'm speaking, of course, as someone in the field who has to deal with these questions as they come up. A lot of this is new law and so there really is nothing to guide us in the appellate level and when we get there, I guess it'll be the Attorney General's job but they're going to have to explain to the appellate courts what the Legislature had in mind.

SENATOR PETRIS: Well, it'd be better if we clarified it so you don't have to go through that. That takes too long. Maybe you can send the Chair a letter with each one of these recommendations as a reminder. It'll be in the transcript but it's better to get it in concrete form in an individual letter to the Chairman of the committee.

MR. HAINES: The last thing is on a different subject. Actually, it's been brought up before, but that's how to improve the overall operation and

effectiveness of prosecutions of this area.

It's been our experience, and you've heard from Sandy Bargioni of the police department in San Francisco, that there's a great value in close cooperation between law enforcement agencies and prosecutors. The police department established the hate crimes unit, which Sandy mentioned, and they do work very closely with the prosecutors who handle hate crimes in San Francisco. Our office would like to commend the police department for its efforts on their part because it really has been a great help to us in coordinating a unified approach to these cases. There are many benefits to this. We feel that it provides better community service because the public realizes that crimes of this nature will generate serious response from all law enforcement and government agencies. It also guarantees or helps to guarantee that you're going to have uniform standards of investigation as well as uniform standards of charging in the prosecutor's office across the board with these cases.

I recognize that San Francisco's unique: We're the only city and county and so we really only have one main police agency to work with, although there are BART police and U.S. Park police, but primarily we work with one agency and that's not true of other counties. Alameda, for example, I know they have many agencies they have to work with. But we would suggest that if every jurisdiction could establish some procedure to provide for close coordination and uniformity that it would really improve efficiency and I think that's been demonstrated by our experience.

Thank you.

SENATOR PETRIS: Did you have some problems during Desert Storm?

MR. HAINES: Not with hate crimes. We had a number of -- you mean with hate crimes, Senator?

SENATOR PETRIS: Yes. It seems to me I read about windows broken in stores of people who were Muslims. I thought there was some incidents on that.

MR. HAINES: You know, I read all the reports, but I don't have a really clear recollection that that -- I'm not going to say it didn't happen.

SENATOR PETRIS: It's not a big thing now.

MR. HAINES: We didn't generate any cases out of it. That doesn't mean it didn't happen. It may mean that if it happened we didn't get a suspect. But Desert Storm, I have to say I don't think that caused us major problems.

SENATOR PETRIS: Okay, any questions? Thank you.

MS. KAY SHAFER: My name is Kay Shafer and I'm a Special Assistant to Gil Garcetti, the District Attorney of Los Angeles County. I was appointed in February to return to the office and serve as the hate crime coordinator to develop our policy and protocol. And I am also the first open lesbian in the

Los Angeles County District Attorney's Office.

I wanted to comment briefly, Senator Watson, on a remark that you made earlier about what the media can often do to misrepresent a community, and I'd like to just emphasize that in the gay and lesbian community, if you have 100 of us in a room, the media uniformly will go to the most flamboyant, extreme and bizarre member of our community and focus on them, while the other 99 of us who are ordinary, everyday people just like everyone else in this room get ignored. I think it's a serious problem that many minority communities suffer from, and there are some steps that are being taken in some communities in Los Angeles County. I hope we can emulate those.

SENATOR PETRIS: Maybe at future meetings we can have the press come in apart from the reporters of the hearing, but the press in general, the media, and have them respond to some of these things. It seems to me that there've been a lot of references to the aggravation of conditions by the way the press handles them and it's a sensitive area. You know, the political side don't like to be accused of interfering with the First Amendment rights, but I think it's a genuine problem that we ought to at least put out in the open and have them answer, if they care to. They don't have to. Comes up a lot, don't you think? Yeah.

MS. SHAFER: Thank you for being sensitive. Appreciate that.

Hate crimes are on the rise in Los Angeles County. I have some statistics from the third quarter of '93 from the Los Angeles Police Department's jurisdiction, since they weren't here today. Crimes based on sexual orientation are up 63 percent over the same quarter in 1992. Crimes based on race are up 37 percent from the same period last year. Overall, hate crime is up 18.7 percent from the third quarter of '92. The crimes are also growing more violent. We see more and more crimes against the person: batteries and assaults with deadly weapons. Although vandalism does continue to be the number one expression of hate or bias, but it's losing its lead.

There were some comments that were made earlier about getting to young people, and Mr. Withrow's comments I found to be particularly persuasive. We also have found increasingly that these crimes are committed not by organized groups as much as by random groups of young people, some juveniles and some just into the age of majority, who seem to select their victims quite randomly, off the street.

We in the D.A.'s Office are developing an adolescent intervention program which would take adolescents out of the school system when they've been targeted as committing a minor hate related offense and involve their parents as a condition of not prosecuting their child.

And I wanted to kind of corroborate what Mr. Persily's experience had been. We had a little bit of a problem getting the Office of Education to help us gather that data and participate in the development of that program because a lot of different segments of our community in Los Angeles County don't want to admit that we have this problem. It's a tough problem to admit to. I relate it a little bit to where domestic violence was about 15 to 20 years ago. You know, people said, Oh, we don't have that in our town. We don't have that in nice homes. The truth is, is that it's happening in our town and I'm glad that this commission is taking a look at it and addressing it.

We find in Los Angeles County that the law enforcement response to hate crime is mixed. The larger agencies have very good, clear policies in writing but there is resistance to implementation of those policies among the rank and file. Both LAPD and LASO have good policies in place with boxes to check off, but the weak link in the chain is that that patrol officer out in the street has to check that box. And so we hope with continued training and focus on this issue that that will happen on a more regular basis. Part of that seems to be a problem in definition, which I'll talk about in just a minute.

I want to mention that smaller law enforcement agencies -- and in Los Angeles County, we in the D.A.'s Office have 52 law enforcement agencies to deal with, separate law enforcement agencies. Often, policies that are in place, they include race and national origin. That's pretty well established. But many agencies do not have policies that specifically address sexual orientation, gender or disability, which are some of the newer or less popular sections of the statute.

I don't want to talk about reporting too much because that's been amply covered. I will simply say that we in the D.A.'s Office would agree with what's been said. There's a tremendous need to have data and we would like to work on more of these intervention and prevention programs, but to get the funding for those programs we need the numbers. And so it's really like a Catch 22. We have been trying to seek out private and federal funds for those programs but you run into a chicken and egg problem: Well, how many hate crimes are there? Well, we can't really prove it, so. We definitely need that data.

I think part of the problem in the reporting issue is the definition that's used. I have been told it's not written in LAPD policy, but just as an example, I have been told that the expression of bias must occur before the crime is committed. I also have been told there's been a discussion with staff from the Department of Justice here that's supposed to be keeping this data. We sat down as prosecutors when we were developing our new protocols last

spring and we thought there are several elements to that that we think need to be broadened and perhaps this could happen legislatively, this clarification in the definitions in the statute. We don't feel that hate or violence have to be the sole motive for the commission of the offense. There are many crimes that have a mixed motive. So (inaudible) hate or bias is merely a substantial motive or a partial motive for the commission of the offense. (Inaudible) feel make that argument successfully to a jury and obtain a conviction for the hate related enhancement.

We also felt that evidence of bias hatred or prejudice, it doesn't have to be direct. It could be circumstantial. It also could occur before, during, or after the commission of the crime as long as it was a substantial part of the motive and not merely an afterthought.

But I think that it appears to those of us in the D.A.'s Office that work with this that the law enforcement requirement that the prejudice or bias be expressed prior to the commission of the crime eliminates an entire class of hate related crime that's being committed from being classified as a hate related crime. So that may have something to do with our reporting issue, and I think a clear definition, or a more clear definition needs to be worked out so that all agencies are reporting the same thing.

Another suggestion that we would like to offer, in Penal Code Sections 422.6 and 422.7 there is language which requires that we prove that "the defendant has injured, intimidated or interfered with or threatened another person in the free exercise or enjoyment of any right or privilege secure to him or her by the Constitution or laws of this state or the United States." That language creates an extra element of proof. We have to then go to Section 51.7 under the Civil Rights Act or Article I, Section 1 of the California Constitution and prove up that you had a right that was interfered with because of your race, religion, sexual orientation, ancestry, gender, whatever.

SENATOR PETRIS: Does that present a problem or is this just a matter of more time?

MS. SHAFER: It's a matter of more time, it's a matter of more proof. It complicates the issue.

SENATOR PETRIS: What kind of rights are we talking about?

MS. SHAFER: Basically, a right to be free of injury, a right to be free of violence.

SENATOR PETRIS: Well, isn't that a given? You've got the code section and it says everybody has a right to be free of injury, period. Am I oversimplifying it?

MS. SHAFER: Except it confuses juries sometimes. That's been our

experience, is that juries want to know, Well, right is this? And there's no jury instructions, so we draft the jury instructions and we give the jury instructions for the court and we found that sometimes this extra complicating step makes our job more difficult.

And as we discussed this prior to my coming to this hearing today, the consensus in our office was, Why do we have to prove that anyway? Couldn't we just say, No person shall by force or threat of force willfully injury, intimidate, interfere with, oppress, or threaten any other person because of the other person's race, color, religion, ancestry? Doesn't that cover it? And why do we have to say that the victim had a specific right that was interfered with? It just adds another element to be proven when really the remaining language would take care of it. 422.6 is a misdemeanor and 422.7, as Mr. Haines said, is a wobbler. It can either be a felon or a misdemeanor. It's a suggestion that we would offer.

Another suggestion would simply be to add the word "or" so that you could either interfere with the exercise of a right or privilege or simply commit the crime because of the person's race, color, or religion. One or the other.

One of the questions that the committee asked us to address was motivation, proving it at trials. As I mentioned earlier, we think it's important that bias need not be the sole motive. What we're seeing a lot of in Los Angeles County are crimes of economic opportunity. Let's take robbery, for example, where the victim is selected because of their membership in a racial or religious or ethnic group. It's becoming more and more common and we feel that it's important to go ahead and to press forward where we have evidence that hatred, prejudice or bias was at least part of the motive but if the victim's wallet was taken then we know that robbery was also part of the motive, rather than making the crime exclusive.

SENATOR PETRIS: You don't have the option to do that now? You need clarification in the code?

MS. SHAFER: We feel we need clarification, largely for law enforcement. Because a crime just like I just described, if there was an economic motive as well, and let's say the evidence of prejudice or bias wasn't expressed until after the crime had been committed, that wouldn't be classified as a hate crime unless the perpetrator said before the crime was committed, you know, "I'm robbing you and I've picked you out because you're..."

SENATOR PETRIS: You mean that's not admissible now after the fact?

MS. SHAFER: It's admissible.

SENATOR PETRIS: But it doesn't count? Suppose I had a thing about beating up, assaulting, etc. a member of a particular group, and I also needed money.

So, like you said, since I'm going to accomplish a robbery anyway or a mugging I'll pick a person from that group. Then I get thrown in jail and I brag about it to my cell mate: "Boy I should have took care of that..." etc., etc. Wouldn't that be admissible to show bias, hate?

MS. SHAFER: Yes, it would, but the chances are, the way the system is currently operated it would never get into the system as a hate crime. First of all, law enforcement would not identify it as a hate crime. They would identify it as a robbery. So it would not get the special attention. Chances are that the district attorney's office may not pick it up until later on in the prosecution when the statement came to light.

SENATOR PETRIS: Well, at least we'd have it at that point.

MS. SHAFER: Right. And so our office, we have now completed training of all of our deputies to be alert to that and we're planning early in '94 to train the entire office. So if that information was to come to light, then the D.A. could amend to add an enhancement, a hate related enhancement. But I think right now we're missing a lot of cases, certainly as it pertains to data collection and some conviction that could be had, some enhancements that could be imposed for an improper motive because there's no clarity on that.

The final point that I'd like to briefly make is sentencing. It's our experience that some courts, and I think this is particularly true in Los Angeles County, the courts are simply flooded with their serious crimes and they tend not to understand the gravity of the true injury, I think, of a hate crime, which is an injury not only to the victim but to the entire community and to every person of that group who becomes frightened or feels threatened. Often, we feel that these cases are given comparatively light sentences, although that's not always the case. I, last summer, prosecuted a case and got six years in state prison which was the high term on an assault with a deadly weapon under those facts.

We did want to suggest, however, that the committee consider classifying hate related crimes under 422.75 as serious felonies as defined under 1192.7. And we would also be supportive of a suggestion that was made earlier about prison sentencing, not giving half-time credits for offenders who commit serious felonies, which we would want to include hate crimes, so that they would actually do the time that they were sentenced to.

SENATOR PETRIS: Are all these half-time credits statutory or are they left to the board?

MS. SHAFER: I believe statutory.

SENATOR PETRIS: They're under great assault right now. I think we're going to see a lot of bills this coming month, next month aimed at changing

that.

MS. SHAFER: I think it's important to re-establish credibility of the system, at least (inaudible) that issue.

SENATOR PETRIS: Problem is, as the Chair has often pointed out, we've had bills like that in the past. They all cost money. They get to the Appropriations Committee and they don't have an appropriation in them, but to get there, if you have a new duty that creates new responsibilities for an existing agency, which includes hiring more people, the money isn't there. So the Chair has had a policy, Look, if you don't put in an appropriation providing the money, we're not going to let it out of this committee, meaning the Judiciary Committee. Now, you go back to the same people and you ask them, Would you be willing to have your taxes raised to take care of this problem? The answer is, Yes. You put it on the ballot and the answer is, No, from the same people. You know, the anti-tax policy is so poisonous and so prevalent you can't get anything passed in this day and age, unfortunately. Over in Contra Costa this year there were three special elections in fire districts on the same day so they could buy another fire engine. Do something to enhance their capacity to fight fires. It required money. All three were turned down. Especially coming after the horrible fires we had, they still turned them down.

MS. SHAFER: I think if I could just add one additional comment, and I'm not sure Senator Watson has experienced this, the civil unrest that happened in Los Angeles County seems to have shaken up a lot of people on a very fundamental level and what we're witnessing is a unique opportunity for public and private partnerships. People want to come forward and help get these things done. I think they understand that economically the state is strapped. If we can have the clarity and the leadership and the motivation from both state and local elected officials, I think that we could get the money.

ASSEMBLYWOMAN LEE: I think that many of the suggestions that we've heard from this panel make a lot of sense in terms of the legislative response. A lot of your ideas appear to be either clarifying language or technical amendments. However, when we get into it, it will be seen as some major substantive changes. So what we need to figure out is if we do move forward on some of these ideas, are the district attorneys willing to help us mobilize public opinion to make sure that we do get these bills out because it may become very, very difficult unless we have an organized effort from your association behind us. And so I'm asking, as you formulate your recommendations in written form to the committee to have those discussions within your own organizations in terms of how far you can with helping us get these bills to the Governor's desk and signed.

SENATOR PETRIS: Good point. Any other comment or question?

SENATOR WATSON: Well, I have to go back to it again. There is so much internal strife, and I know that in talking to the Chief in LAPD, talking to Chief Willie Williams, he's being fought by people within his own department. The racism runs rampant in law enforcement agencies and often they get blinded with trying to just work through what's happening in the agency.

When I started taking these issues on I had quite a few law enforcement officers, both sheriffs and LAPD officers come to me and tell me about what's happening internally. So we really have a problem to deal with inside your organizations as well as outside of them too, and I can't be strong enough on that, bring attention to that. We've got to wipe that out.

And a woman like yourself, I'm sure you've been the target or the butt of things that have happened internally. You're a prosecutor but women in law enforcement -- LAPD, the sheriffs and so on -- particularly women who are either of ethnic background, whatever, are facing an uphill battle. So we've got a lot of work to do.

MS. SHAFER: That's very true. I was especially delighted that recently Chief Williams was given more power to make changes within his department and was actually astonished. I thought he always had the power to do those things.

SENATOR PETRIS: Okay, thank you very much. Who's next? Mr. Morris Jacobson.

MR. MORRIS JACOBSON: My name is Morris Jacobson with Alameda County. I coordinate hate crimes in this county.

The main thing I want to add to what has already been said is I've been running statistics for the last several years about numbers of hate crimes that get to the stage of prosecution in this county, and that would apply to adult court only, given the confidentiality requirements of the juvenile records. We, number one, aren't seeing very many in an absolute number. In 1993, for example, we saw a total of 11 hate crimes that were charged out of somewhere between 45 and 50 thousand cases that were charged in the county. So we're talking about a very small number of cases in terms of court time for prosecution.

At the same time, in attending community group meetings and getting calls from press and whatnot, I am aware that there is a tremendous amount of racial tension in the community. It seems to me there's a difference between what we on this panel would call a hate crime and what, in fact, would be a hate incident. It may or may not be criminal in nature.

The second thing that I've noticed, after having spent some time working in our juvenile division, is that there are far more hate crimes at the general

level in the community, and I'm using that as a term of (inaudible) crimes.

So it seems to me in making recommendations to this legislative entity here that I'm aware at least in this county that there is no requirement of any kind of cultural sensitivity training where a juvenile finding has been made as to a hate crime, generally, where there's no comprehensive program in our public schools, junior highs or the high schools, involving cultural sensitivity training. And it seems to me, at least in Alameda County where we are not seeing an increase in adult hate crimes, where the absolute numbers are very limited, that an area to pursue -- it seems to me that the problem is greatly racial tension and that's where the attack needs to be made. Hate crimes in general are certainly an act of immaturity so you're going to see more of this kind of behavior in people who are younger, and it would seem to me that there needs to be some emphasis put into these kinds of programs.

For example, I think it's 422.9 or 422.95 -- I don't have the Penal Code in front of me -- that puts out the suggestion that if someone was placed on probation for a hate crime that the court shall order them to go into some kind of cultural sensitivity training. Well, there's no funding for that, and those programs, as a matter of fact, don't exist. At least not in this county. At least not that the courts are aware of.

So, my sense of watching this since I became involved in hate crimes in 1989 and my sense of watching these crimes is that we need more training with our young people in particular. That's the main thing I would like to add to what's been said.

SENATOR PETRIS: Thank you. San Diego.

MR. LUIS ARAGON: Good afternoon, distinguished members of the committee. My name is Luis Aragon. I am Deputy District Attorney in San Diego. On behalf of the San Diego County District Attorney Edwin Miller, we want to thank you for focusing attention on this very critical issue. And I had hoped to thank Senator Lockyer for the excellent job he and this committee did in shepherding SB 98, of course which resulted in the passage of Penal Code 422.75.

I have had the D.A.'s Hate Crime Task Force for the last three-and-a-half years. We see hate crime prosecution as really a multifaceted approach, education being extremely important. You've heard ample testimony about how children in kindergarten love each other, work with each other and play with each other, and yet, some transformation occurs by 5th grade and things are different.

In prosecution of hate crimes in the County of San Diego under 422.75 we've experienced some very successful prosecutions. There is one case that is now before the California Supreme Court involving the brutal beating of three

Mexican nationals who were about to go to sleep in a riverbed in Alpine, which is a small community east of San Diego. The five men that have been charged are accused of wielding baseball bats and incurring substantial bodily injury to those Mexican nationals. The trial judge in that case throughout 422.75 was saying that it was a violation of the First Amendment. Acting on our writ, the Court of Appeals reinstated the hate crime allegations and we were pleased with that.

However, there was language in the Court of Appeals decision which indicated that 422.75 is a specific intent allegation. It is our position that it is a general intent allegation. This goes somewhat to some of the issues that were raised by other speakers. We believe that this is a general intent allegation and hopefully the California Supreme Court will concur with that.

If there was one suggestion that I would ask to be incorporated as a result of being here today it would be that this committee amend Penal Code Section 1192.7 (c) and make conviction of 422.75 a serious felony prior. You heard testimony from Ms. Shafer on this point. If I could just extend those remarks a bit.

The relevance of doing that would be to say to someone who has committed a hate crime, a serious hate crime upon his or her second conviction, that person could be sentenced an additional five years. Mind you, this would put in the hands of prosecutors and courts a substantial weapon and tool to be used against what we consider to be career violent hatemongers. Those persons who are not redeemable and who are committed to an active lifestyle of battering persons who are different from them.

I've had the pleasure of sitting through today's proceedings and have heard a number of things that I thought very compelling. Probably the most compelling was the statement made by Mr. Withrow wherein he was describing some of the mentality of some of these organized hate groups, saying that it is their -- and I think he used the words "this is comical" he said -- but they want to take over the country.

Well, I had occasion this year to prosecute a case of desecration of a synagogue and during the course of preparation for that case I met with three victims: people who saw the desecration, the swastikas, etc. at the synagogue. And one of the witnesses, one of the victims was a woman in her 70's who was a survivor of the Holocaust. When I asked her what impact the desecration had on her, she looked at me straight in the eye and she said, "Mr. Aragon, this will happen again."

I think we are remiss to not listen to people like Mr. Withrow. We must understand that there must be, as has been stated here, zero tolerance toward

hate crime. We must use all effective tools and do so aggressively.

One other thing that we do in San Diego is to use community input. The distinguished Senator mentioned the Gulf crisis. When the Gulf War began, in anticipation of what we thought to be some additional assaults against persons who appear -- and I use that word advisably -- appear to be from the Middle East, we convened a group and we feel that we contributed to the dialogue in sensitizing the community to the danger of hate crimes. This task force, we think, is effective. It brings together members of all victim groups, and of course, victim categories range the spectrum.

There are those who, I think, see hate crime as some kind of affirmative action on the criminal law side. Of course, that's nonsense. There is zero tolerance in the legislation that this committee and other legislative committees have written. Whoever you are, whatever your skin color is, whatever your religion, your sexual orientation, if you are targeted for abuse and/or vandalism you are the victim of a hate crime.

Law enforcement was asked about rallying support. I think I speak for a good number of the people who are on this panel -- we've spoken among ourselves before -- as we did in Senate Bill 98 we will, I'm sure, work in favor of whatever bills are produced as a result of these hearings to the extent that they, in a constitutional fashion, punish and deter crimes that are motivated by these categories. And we can, of course, do so through many vehicles independently and through the California District Attorneys Association.

Lastly, with respect to hate crime reporting, San Diego District Attorneys Office also believes that this is an extremely important function. I believe that as we speak 35 states in this country are participating in this hate crime registry. California is not. We, in this room, know that we in this state have the greatest diversity of any state in the Union and here we are not participating. As Ms. Shafer indicated, without the figures we are sometimes accused of saying the sky is falling. Well, in fact, there is a clear and precedented danger in this community, in this state from those who deal in hate, and before we can find a cure we need to know and examine exactly the causes and the extent of the disease.

Thank you.

SENATOR PETRIS: Thank you. Any questions? Thank you very much.

How many folks are out there from the community who are here to testify?

Okay, next panel then come forward. Civil remedies. Ms. Wong of the Asian Law Caucus. In view of the hour, we're going to ask witnesses to kind of encapsulate.

MS. ANN NOEL: Senators Petris and Watson and Assemblywoman Lee, thank you

for holding a hearing here today on this important topic and for inviting me to speak. My name is Ann Noel and I'm Commission Counsel with the California Fair Employment and Housing Commission which, along with the Department of Fair Employment and Housing, administers the state's civil rights laws. These laws include the Ralph Civil Rights Act which provides civil remedies to victims of hate crimes.

I coordinated my talk here with my colleague Doreena Wong to talk today about civil remedies, their roles and effectiveness. I will talk about our experience with current civil remedies and Doreena will discuss adjusted changes to the civil remedies that are out there right now.

Thanks to the past work of the Senate Judiciary Committee and in particular the leadership of Senator Lockyer in sponsoring SB 98, which strengthens civil remedies under the Ralph and the Bane Civil Rights Acts, California has some of the strongest civil laws in this country for victims of hate violence.

Our experience at the Commission, however, is few in the state know about these laws and fewer still bring civil causes of action in court or file Ralph Act claims with the Department.

Both Doreena and I are members of the State Bar Committee on Human Rights, which is a subcommittee of Illegal Search, a section of the State Bar. The Human Rights Committee has devoted the last few years in training lawyers to represent victims of hate violence in civil proceedings and to educate the public about the available remedies.

Three years ago on behalf of my commission I worked with the Department of Fair Employment and Housing to write a manual for lawyers to represent victims of hate violence as there was no guide for lawyers on using the Ralph and Bane Civil Rights Acts. The manual that I presented you with copies today is a result of this.

We used the manual with the Human Rights Committee to do our first training of lawyers right here in Alameda County three years ago. From that training Alameda County set up a first in the state pro bono panel, referral panel to give victims of hate violence access to free attorneys to take their claims.

The second and third editions of the manual were printed through the State Bar which had more resources than the cash strapped Commission and Department. The State Bar Committee also printed a brochure for distribution to the public entitled, "What Should I Know About Hate Crimes?" which I've also provided you with a copy of. It's available not only in English but Spanish, Chinese, Vietnamese and Korean. We have a few examples here with us.

In addition to our first training in Alameda County we've also now held trainings for lawyers in the counties of San Francisco, Santa Clara, Los

Angeles and San Diego. And also, we've assisted with a community-sponsored training in Sacramento County.

As a condition for each training we require the local county bar association to set up a pro bono panel for lawyers to represent victims of hate violence for free. The work of this committee, the attorney's manual, the brochure and the trainings just won us a First Place award with the American Bar Association's Information America Partnership Award. We're planning on doing at least one more training in San Joaquin Valley, possibly in Fresno.

Our experience in this area has shown us several things that we want to share with you today. There are still too few attorneys and members of the public who are aware that the Ralph and the Bane Acts exist and provide remedies to victims of hate violence. We need to publicize our efforts further and work with county bar associations to make sure there are legal resources available throughout California. We also need somehow to publicize better to the general public that there are legal resources out there that they can tap in to.

The Commission talked a few years ago about doing some public service announcements out there that would be very dramatic on TV and talk about hate violence and say, This is wrong. The problem we always came to is what to do then. Give an 800 number? There's no 800 number now in the state to tell people that they can call in at one centralized location and report incidents of hate violence. The Department just has set up an 800 number to file complaints so this is one possibility.

The judiciary is far behind where attorneys are in understanding the importance of these cases. As far as we are aware, to date there's no specialized training for the judiciary in recognizing or trying hate crimes and hate violence cases.

Civil litigation can make a tremendous difference to an individual or family who are victims of hate violence. Civil litigation sends a message to the pocketbook of the perpetrator or the parents of the perpetrator if the bigot is a juvenile, which can do much to discourage further acts of hate violence by that perpetrator. Furthermore, we know that acts of hate violence by an individual perpetrator tend to increase in severity if not discouraged early on. Thus, the concerned response by the police as well as civil litigation, including a restraining order, can make all the difference in stopping early acts of hate violence, including racist threats, from escalating into serious crimes. This is the message that we've tried to impart when we've done these trainings for lawyers about how important they are in this whole process.

Having just stated that civil litigation is a very important tool, let me say that in many instances civil litigation is hardly the best tool in the long run for dealing with the problem of responding to and combating hate violence. We need to seriously explore other alternatives including alternative dispute resolution, community boards, mediation and education. This is especially appropriate where you've got neighbors who can't seem to get along.

By the time a person comes to an attorney's office with a civil complaint, serious harm has occurred not only to that individual and his or her family but also to the community from which that individual comes. We need to look seriously at efforts which address how to prevent hate violence from occurring in the first place, including programs in K through 12 schools to teach respect for diversity and conflict resolution skills. I know that Assemblywoman Lee knows what I'm talking about here.

In the interest of keeping this all as brief as we can, I'm now going to turn the microphone over to my colleague and friend Doreena Wong to talk with you more specifically about recommendations for legislation in this area.

MS. DOREENA WONG: Thank you, Ann. My name is Doreena Wong and I'm Staff Attorney at the Asian Law Caucus and direct the Hate Violence Project which was established about 1989 because there was a recognition within the Asian community that there was a tremendous increase in the incidents of hate violence. And what we've tried to do is we've tried to develop and implement a plan, a comprehensive plan to address the issues in the Asian community specifically to help assist victims and represent victims in civil cases and help them through the process (inaudible) for people who are unfamiliar with the process who have language difficulties. We also provide community education, public education and general advocacy on behalf of the community.

I have submitted some written testimony which is a lot longer than what I'm going to go through because I don't have much time, but I just want to encourage you to look through that and include it as part of the record and if something isn't clear probably both Ann and I would be happy to have more detailed language or meet with you at some further time.

I wanted to also commend the committee because I think a lot of the members on the committee have taken a leadership role in trying to address the problem of hate crimes and I think it's very important for public officials to take a stand on this and it does send an important message.

I wanted to say that our office has represented victims and we've seen, I guess, the use of the civil statutes and believe that they are effective in deterring these kinds of crimes. Because as you have heard, a lot of times bringing prosecutions in the criminal context are difficult to do and so we

need alternative civil remedies to try to hit the perpetrators in the pocketbook if they don't listen and you can't send them to jail.

I have five specific recommendations to be added -- changes to the Ralph and Bane Acts and one additional change to another amendment and then urging support for Assemblywoman Barbara Lee's bill and Senator Diane Watson's bill.

But first, and I'll go through these and they're not in any particular order, they're not in order of importance, but currently, the Department of Fair Employment and Housing has jurisdiction under the Ralph Act to investigate and take complaints. Unfortunately, they don't have jurisdiction for the Bane Act and so we would encourage legislation to specifically authorize the Department to be able to take complaints based on the Bane Act.

Second, there are also different groups and classes of individuals who are not currently covered under the Ralph and Bane Acts that we think should be covered, and I think Chuck Haines alluded to one of them in terms of those victims who are selected because of their association with members of the protected class. It should be obvious that they should be protected but there have been questions and challenges to the application of both the criminal and the civil statute to those persons who aren't necessarily members of the class but are associating with members of the protected class.

Questions arise relating to whether or not those individuals who are perceived to be members of a class are protected in those classes. For instance, if somebody is committing a gay bashing and the actual victim is not gay but straight, and there has been a case that challenged the application of the Penal Code statute to that particular incident. So we would encourage it to be clarified in the statute so we can use perceived membership in a class to be protected.

There's a couple of other categories of people that I think you heard earlier about the problems we're having with the immigrant community and a lot of the immigrant bashing and scapegoating that we're experiencing in this time of xenophobia. So we would encourage the Legislature to consider including immigrants as a class and list it in the protected classes.

Along with the immigrants we've also seen just very recently a rash of attacks on the homeless. I think just a couple of weeks ago in San Francisco there was a homeless man who was set afire simply because he was homeless. And so we believe that the same kinds of victimization that homeless go through apply to those other protected classes and should be considered to be included.

So those four particular changes we would specifically ask to list. Although in the statute there is language that says that these classes of groups are illustrative rather than limited. Since there are questions that

arise because of these additional classes, it makes it a little easier to specifically list it rather than just have us, the district attorney or attorneys prove actually that they are covered under the statute.

Third -- and I think Chuck Haines also alluded to this earlier, or he alluded to the problem of the association to be included as a protected class -- third, there is a problem because many communities feel that they're victimized by the police, although I think in the Bay Area we're lucky. In California there is some jurisdictions in which the police are considered friends and people turn to them for help but there are communities that suffer from hate crimes committed by law enforcement officials. And I think the Bane Act includes a phrase that covers any person or persons whether or not acting under the color of state law and I think it makes it clear -- I mean, for Bane Act prosecutions and civil suits they would be covered, but it's not as clear, it's not explicit in the Ralph Act and we would encourage the Legislature to include that language in the Ralph Act also.

Fourth, another problem that has come up has been when cases are brought in the employment context. Generally, I think we all agree that employers should not be able to get away with hate crimes just because it's within the employer context but there have been questions that have come up because there are some restrictions in terms of the general Civil Rights statute, the Unruh Act, whether it's limited its application outside of the employment context. So we would encourage the Legislature to make it more explicit that yes, these Ralph and Bane Acts do apply to all context, whether it's public accommodations, housing, or employment context.

And the last recommendation was brought up earlier by Kay Shafer in terms of amending and clarifying the standard of proof to show discriminatory motive. Actually, in the handbook, in the manual Ann has a good section on the issue of whether or not the plaintiff has to prove that motivation is a sole factor, a substantially motivating factor or only one factor or a factor in proving these kinds of cases. And you've heard from the district attorney how difficult it is when you're trying to interpret this, if there's been other motives involved in a mixed motive case, whether or not that that discriminatory motive has to be a substantial or sole motivating factor. And we believe that that's much too high and that would just eliminate a complete class of cases that we see where something is said or whatever committed and said after the actual incident occurs, you know, whether it's a robbery or an assault.

So we believe that that's a definite problem with the way that the statute is written and would recommend that in the statute itself there's some language that deals with using the language in whole -- you know, the motivation has to

be in whole or in part proved by bias.

So those are the five main recommendations for the Ralph and Bane Acts.

There is another statute that I think we would recommend changing and that refers to -- I think you've heard throughout the day that a lot of these incidents are committed by juveniles, youths under 18, and in order to bring a civil suit -- you can't bring it against, of course, somebody under 18 and you have to bring it against the parents. And there is a section in the Civil Code, Civil Code Section 1714.1 which limits the parental liability to \$10,000. It would be up to the Legislature to change the cap, but we would recommend that it would, at a minimum, meet the \$25,000 minimum mandatory fine that adults are subjected to under the Ralph and Bane Acts.

Finally, I think you're all familiar with the legislation that has been introduced and vetoed several times by the Governor and the problems with collecting data and not having enough money, but we definitely would support and encourage you to introduce this legislation and we'll be willing to work on ways to change the language or ways to convince enough legislators for the bills to be veto-proof, and I'm talking specifically about Senator Watson's bill -- SB 559 -- that deals with the reporting and Assemblywoman Barbara Lee's bill -- AB 1299 and AB 1296 -- that deal with education in the schools and establishing a model program.

So we would definitely work in support of trying to get those important pieces of legislation through because we believe that bringing criminal and civil prosecutions are a very important part but we understand the need to have a much broader, more comprehensive approach and deal with the problems in the schools and deal with the problems in other areas besides just limiting it to the legal system which has its limitations, as Ann pointed out.

So I just want to conclude by thanking you again for having this hearing and hope that we can work with you in the future so that we can send those strong messages to the perpetrators of these crimes to try to reduce or hopefully eliminate prejudice and bigotry.

SENATOR PETRIS: Okay, thank you very much.

Let's have the next group come forward. Local government/human relations and human rights commissions. Mr. Reyes.

MR. VINCE REYES: My name is Vince Reyes. I'm the coordinator for Multicultural/Multilingual Services here in Alameda County. First of all, thank you for giving me the opportunity to speak today.

Our Hate Crime Project in Alameda County is the recipient of the Governor's veto via Assemblywoman Lee's bill, AB 1296, which would have tried to establish the program here as a model program statewide.

First of all, let me describe the program a little bit and then reaffirm why we need to try to push this through again next year.

SENATOR PETRIS: Let me tell you, the author is sitting here. She doesn't need that new information. She knows it thoroughly. I carried her bill on the Senate Floor. Unfortunately, the Governor isn't here. He's the one who needs this. I think Senator Watson is familiar with it because she served on the committee which voted for it and heard it on the Floor. So if you could condense that part of it. We know it's needed, we're all in support of it, we've got the author and so forth, so the informational part you can leave out and just give us your recommendations.

MR. REYES: Okay. I'm happy to condense this in the interest of time.

I think the problem with not funding it is that -- well, actually, the bill was not up for any funding but we were hoping that the credibility of assigning this county to be a model community would invite and inspire private foundations or business to pump some money into it so we could develop something. The county has just not been able to fund this project for the last three years because of the scarcity of funds, despite a lot of feeling in the community and within county government that we really need to develop this.

In Governor Wilson's veto message he stated that there are a number of programs already going -- which I don't believe to be true to this extent -- and also, that county governments can do this on their own and should be able to contact each other. In my experience that just doesn't happen because people are busy, and I think you also have to look at the demographics of eventually who's in charge of certain counties, that it's not going to happen on their own and we need some teeth in some of the laws that can actually get this to happen.

So that would be our recommendation, that we would try to organize a greater community effort to try to push this through with the Governor and to work with the Legislature to do that.

ASSEMBLYWOMAN LEE: Let me just say I appreciate your support and encouragement that we're getting today in terms of all of our bills to reintroduce next year and I think on this bill in particular. I am going to reintroduce it. I think it would make sense, and I've talked to the Governor's Office extensively about these vetoes, for counties to go on record letting the Governor know that at least this program makes sense for them to have access to should they want to have access to and through the Attorney General, as we have proposed. And that's just maybe something that you want to take back to the organizing effort to make sure that counties throughout the state get on record.

MR. REYES: Right. I just don't think we need to reinvent the wheel, and certainly, the county plan is not the ultimate plan but it's certainly a guideline for people to get started.

SENATOR PETRIS: It'll help other counties all over the state.

MR. REYES: Thank you.

SENATOR PETRIS: Thank you very much. Next is Bob Delgado.

MR. BOB DELGADO: My name is Bob Delgado. I'm President with CAHRO, the California Association of Human Rights Organizations. This is an association of 46 city and county human rights and human relations commissions. The California Association of Human Rights Organizations was founded in 1973 and membership represents 75 percent of the state's population.

The points I'd like to bring out today is, first, that we urge that the California judicial system participate in reporting hate crimes to the FBI under the Federal Hate Crime Statistic Act of 1990. Our best information is that only nine California jurisdictions are now reporting.

In the present climate of immigrant bashing, especially in the southern part of our state, there's a growing number of instances where there is collusion between the law enforcement agency and the INS Border Patrol. The result of this collusion is that there are hate crimes perpetrated on immigrants which result in the victim being jailed, the hate crime not being reported and the attacker goes free to commit yet other hate crimes on other immigrants. We need a state law that limits this collusion, guarantees hate crime reporting and holds the attacker responsible.

We, too, have a problem in the hate crime statutes as stated by the San Francisco Deputy City Attorney. The Penal Code section that provides longer jail terms for hate crimes lists the same descriptions of victims as the hate crime section, with one exception: gender. In other words, if a hate crime victim were selected because the victim was Black, the jail time would be enhanced. But if the attacker was, say, a woman hater and selected a victim because she was a woman, attacked her, tortured her, the district attorney could not seek longer jail time because gender is not included in Section 422.75 of the Penal Code.

Another problem, as pointed out by the Deputy District Attorney from San Diego, is that the hate crime statutes have a problem with the level of proof regarding intent. The hate crime sections have been prosecuted using the lower level of general intent as the level for proving the elements of the crime. Because the hate crime Penal Code section does not actually speak to the level of proof, it leaves this issue open for challenge. We now have a hate crime of four men being beaten by baseball bats in San Diego which is being now reviewed

by the State Supreme Court where the defendants are seeking a reversal of the case on the basis of the higher level of proof of intent. We urge that this section of the law be amended to clarify that general intent, not specific intent, is the required level to prove in a hate crime trial.

In closing, let me just say that the California Association of Human Rights Organizations, in our twenty years, has worked to work with other groups. We have worked with the Peace Officers Standard Training in developing a training model. We've worked with the California Peace Officers Association to develop a model on community policing. We've worked with a number of communities to start new human relations commissions and in training we (inaudible). With that same spirit we offer our participation to work with this group, any task force or any commissions formed to continue this fine work on the issues of hate.

SENATOR PETRIS: Thank you very much. Norma Mencacci.

MS. NORMA MENCACCI: I'm an analyst with the Office of Human Relations in Santa Clara County. At one time we staffed the Human Relations Commission only. We now staff the Commission on the Status of Women, the Consumer Affairs Advisory Commission and the Indian Burial Committee with the same number of staff. Obviously at all levels of government, budgets and the economy are affecting us.

In 1989 we started the Anti-Hate Hotline which is the only 24-hour hotline in the state that is answered all those 24 hours by a live person. It is confidential. They may give a name if they care to. They need not if they do not wish to. At that time, it was started because of an incident in San Jose in which a Black woman was accosted in a park and told that "Niggers pay toll for this bridge" and that they would string her up to the tree that was close by if she did not pay this toll. Luckily, there were neighbors close by that came to the rescue. The perpetrators were jailed. There was public outrage from public officials and community groups but after you've held a community gathering and forum about what can you do, we decided at that time that it was very important that people have a place where they could report incidents.

I am the coordinator of that hotline. Primarily they are incidents, not crimes, but also, we hear a lot from people who have called the police and reported the crime but wish to make sure that they are counted. So statistically we do keep track of the numbers in our county.

At a recent visit from Attorney General Janet Reno, the only hate crime statistics available were those from the Anti-Hate Hotline.

We are also working with school districts on prejudice reduction, Fred Persily's school, the Prejudice Reduction Plan. One school district,

Berryessa, has five elementary schools using the program. They also have a human relations commission for the district and they also are starting with mediation programs to train the students for mediation or to join with older students or other districts that are already doing mediation, which is an important part of working on racism at all levels.

I am a member of the Bay Area Hate Crime Investigators Association, which was spoken of briefly, which is an agency of law enforcement and community groups. I think the importance of it is that there is a sharing of information and that we are networking constantly among ourselves in community groups as well as law enforcement.

We also, this year at our training conference in November, put out a resource book that does cover more than the Bay Area. There are numbers and resources, names in Los Angeles, San Diego, Fresno, Sacramento as well as the nine Bay Area counties. We feel that it's important that people up and down the state do know where to go and what the resources are, and one of the suggestions that I would like to make is that this organization be replicated in other areas in the state.

Thank you.

SENATOR PETRIS: Thank you very much. Mr. Hesse.

MR. DON HESSE: Don Hesse. I'm with the San Francisco Human Rights Commission.

I want to open by expressing my appreciate for the courtesy and dedication the committee has shown by staying throughout the day and listening to this. I'll be very succinct, particularly because I think you need to hear as much as possible from Barbara Lehman from the Sacramento Human Rights Commission.

I do want to go back to what seems oh so long ago when Brian Levin was talking this morning. One of his statements, or part of one of his comments was that a majority of the people that commit hate crimes think that it is society's sanctioned way to have fun and I think that gets us into the community response, the local level response, whether it's local government or human rights organizations or the community organizations that will follow us and the role we play. Because I think for some of the victims, including Mary King who we heard from this morning, what you hear about is the effect of hate crimes is the effect it has on the community of the victims. It's not just the victim that suffers from it, it's an entire community, and the response has to be a community response, and that's for two reasons. One, is the victim has to know that they are not alone and their community has to know that they are not alone. And why their community, including the political community, the religious community, the leadership of the community, whether it's business

community, needs to come out and say, We don't stand for this stuff in our county. That supports the victims and makes them realize that they are not alone, that their fear is being dissipated by support from other people.

So it's just as important, and this goes back to what Brian said, is the message that is given to the perpetrator -- because I agree with Brian on this -- who thinks that what he is doing is really playing out society's wishes, that, in fact, he's doing what other people would do but are afraid to do. The message is this community will not stand for this, and if it's strong enough in the community the response ought to be, gee, I've read this wrong, I thought people would take pleasure with what I've done and the response is completely against it.

So the role of local governments and human relations commissions to play here is, I think, extremely critical and I'm no less critical than the police, the D.A.'s, all the people you've heard from before. So it might tend to get passed over and I think when it comes down to it it's really the most important response in terms of the victim and the perpetrator. Nice to catch them, nice to put them in jail, but in most cases, as I'm sure you know, neither one of those things happens to perpetrators and maybe the psychological effect is better from human rights commissions and local organizations.

I just want to say, in the city when we decided to create a comprehensive plan, even though we have a very active and strong and large and well-funded human rights commission, we created a non-profit organization called the Intergroup Clearinghouse which Jill Tregor was going to speak on and she left some material here. One of the reasons we set up the non-profit in addition to having a government agency is because, in our experience, government does many things well but it doesn't do it fast and it doesn't do it with the (inaudible) in confidentiality, and we felt that in the area of hate crimes you needed both of those things. You needed speed, you needed to do things in confidence that government simply didn't allow you to do. You also needed more flexibility in government to allow you to do this. So for that reason we set up a non-profit organization, and like Fred Persily, who helped the students, said this morning, funding has been an ongoing difficulty all over the city. It's been funding One-Step (inaudible).

I'll close by just saying that part of what Intergroup and we've all done is met with the press, as you indicated earlier, Senator. We've met with reporters in quiet, private meetings that were off the record about what their response is to the complaints that everybody has. Interestingly enough, the reporters are sensitive to this but they complain, maybe not surprising, that it's the people above them, that you need to talk to the editors and the

publishers because the reporters aren't always doing the stories that they would rather do.

So with that I'll close.

SENATOR PETRIS: Thank you. That's very interesting. Thank you very much.

MS. BARBARA LEHMAN: My name is Barbara Lehman. I'm Acting Executive Director of the Human Rights Fair Housing Commission of the city and county of Sacramento.

Before Assemblywoman Barbara Lee gets away, I wanted to say thank you to Barbara Lee for attending our youth forum that we had at Kennedy High School this past week. I really appreciated you doing that. It was wonderful.

Our joint powers agreement has been in existence for 30 years. Our charge is to take housing and employment discrimination cases and to deal with those. We try to be proactive as much as we can. Unfortunately, since August 27th we've been very reactive. We have been putting together community-based organizations, individuals in our community and anyone who will listen to us about hate crimes. We have started with law enforcement, we have gone into schools, we have talked to our city council people, we have talked to representatives within our Legislature and now we have the opportunity to talk to you.

I can't tell you how many different kinds of programs, how many meetings and how many forums we've had since that time. But there is one thing that all of those meetings can't tell you and even this hearing can't tell you is when the law enforcement calls me and wakes me up at two o'clock in the morning and says, "Your Councilmember's house has just been fire bombed, you want to get over there?" You walk over into this person's house and out in his front yard are his personal belongings that are half-burned, his entryway is full of water and muddy firemen feet and the smell of that gasoline inside that house is indescribable.

I can't imagine, if Governor Wilson ever walked into Jimmy Yee's house, how he can say hate crimes is not his priority, that he will not pass this kind of legislation that makes sense. We need this now, we need it today. We needed it before August 27th. And I can't think of anybody else other than the people sitting up here and all of the support that you've seen today that we can't get this passed.

I represent over 75 community-based organizations in Sacramento, the Board of Supervisors and the City Council and a 15-member commission that I serve and we are all behind you. And anytime you need assistance we will be there to help you.

Thanks.

SENATOR PETRIS: Well, we appreciate that. The bills get passed but they get vetoed. That's the problem.

MS. LEHMAN: We'll work on that.

SENATOR PETRIS: As you know, four by Assemblymember Lee alone. Thank you very much.

Okay, last panel. Mr. John Yamada.

MR. JOHN YAMADA: My name is John Yamada. I'm the President for Asian Americans Together of Castro Valley. You'll notice you've been getting a lot of testimony from Castro Valley.

Castro Valley actually is unincorporated but it has a population of almost 50,000 people. What we are trying to target mainly in Castro Valley, since there's not that many instances occurring in Castro Valley, but we felt that by testifying at this time and also that we can change the complex of Castro Valley where we try to prevent before all these things occur. (Inaudible) say there's no gangs here. So this means that we can probably stop some of the gangs before they get there if we are community organized at this time.

I gave you a written report here which, since it's written, I did not want to cover most of it, but what happens is that in a community-based organization, which is essentially unfunded and so forth, what you need to do is to do mutual support and networking with other individuals and organizations. Which means that we have to really get down to the grassroots and we are trying to do the things. If an incident occurs we are dealing specifically with the person. So it's important that the small grassroots organizations aren't ignored, and hopefully, maybe you can create more of these grassroots organizations because we are the doers and the shakers, I guess, and you guys are the legislators and listening to all the legislators talk that you guys are having troubles trying to legislate, so maybe there's a different direction that you can go to which is education. Suppose you went and worked through the superintendent of education and tried to teach and prevent by adding cultural heritage programs and since there are so many school districts that it would be easier maybe if it was dictated towards the board of education or something like that. Work from the top down. This way here you use blanket districts without having -- how many districts are there? There must be two or three thousand districts.

SENATOR WATSON: A thousand eleven.

MR. YAMADA: And if you started with one above, one level up, or let's say if you start down and they dig down you've got a thousand covered right immediately for preventative type to educate.

And if you notice that written section on the second page is sort of my

recommendations, which means add cultural heritage, race, bigotry, hate violence education for all students in K through 12, not just high school. Doesn't do any good.

And then maybe also even in the high school level you might want to even require first-time offenders to visit police and jails. In other words, if they visit these places maybe they might stop them immediately. It's just sort of a recommendation.

And the thing is that work through the schools, concentrate on our youth and children and the older people will be taken care of either by the law or some other means.

And one of the things we discussed in Castro Valley was because of the fact that in 1980 there was only between three and seven percent non-Asian -- it was only three or four percent of non-Asians in the community. In 1993 I believe it's something like about 26 percent. So self-denial in that area is extremely high. We in Castro Valley think that we can try to prevent much of this by preventative methods and not after the fact.

Thank you.

SENATOR PETRIS: Thank you.

SENATOR WATSON: Let me just say that I'm glad that you are here and I would invite the Asian community to join with us. We have a long history of protesting these kinds of things. The Asian community, until just a few years ago, has been rather quiet. I don't know whether it's because it didn't find a lot of abuse or hate crimes targeting them but I think the feeling has changed somewhat in the last few years. I think as a coalition and not only African Americans but Hispanic Americans, Indians, Asian Americans, gays, lesbians, all the groups that people try to put out as a central loop, with a coalition coming together, and particularly on hate crimes in 1994, it might get across to a person who's got to run again for Governor. I'm just looking through the book that our Chair put together for us of all the bills that were vetoed, including my own, that are in here. Apparently he felt real comfortable with it because, oh, I can veto because it only addresses a small population. But in hearing the testimony today, that population is growing larger and larger. So I'm glad to hear you from Castro Valley, and what did you say? There are three percent Asians there?

MR. YAMADA: There used to be three percent in 1980, and right now Asians are about nine percent. I believe Hispanics was about fourteen percent and others ten percent.

SENATOR WATSON: Well, we need you to add your voice to ours.

MR. YAMADA: Okay, will do.

SENATOR PETRIS: Thank you. Karen Gelender.

MS. KAREN GELENDER: I'm Karen Gelender. I was the general coordinator of Castro Valley March Against Bigotry and now I'm temporarily, at least, coordinating our new group.

I'm not a good enough speaker to leave out the stuff but I can read really fast.

When Kathlyn Green was victimized by the spray painting of KKK on her car last September, she came to the Ethnic and Multicultural Awareness Parents Staff Advisory Committee of the Castro Valley School District seeking support. That's what happens when you're in an unincorporated area, you know exactly where to go.

The committee is a slow, hard working, proactive group focusing on such issues as Affirmative Action and education. But given the immediacy and critical nature of Kathlyn's crisis we found that we really had no way to respond within the framework of that committee and we were unaware of an appropriate central specific action group in the Castro Valley community.

So my first very strong recommendation for communities is that there be established in each community one specific, well-publicized, safe community-based place to report all hate related activities, crimes and otherwise. This group may track, record, counsel, refer, and it must be able to mobilize and act.

With the help of Janice Freeson, who's president of the board of education and also committee member, and with the generous support of Supervisor Mary King, who loaned us her office and her office assistance, and Bonnie Detler, who's executive director of the chamber of commerce, those of us from the committee who were interested in developing a strong community response met with Kathlyn. Community and church leaders were invited and the meeting was intense. Speakers were really passionate.

We finally agreed to organize a march and rally against bigotry in all its forms since this was not Castro Valley's first incident. Then came the worries: What if nobody comes?

Now, my second suggestion to communities is to be courageous. Movements are usually composed of a small group doing a disproportionate amount of work and a large group either follows or doesn't follow. Had nobody joined us the parameters of the problem would have been clear and we would have had to redouble basic efforts at sensitizing the community at a different level. Education is key anyway.

And my third suggestion for communities is to absolutely insist on the development and implementation of community-based, state-mandated multicultural

education as an integral part of the regular school curriculum; not something that pops up at certain times of the year. Minorities exist all year long.

We know the earlier and the more naturally that children are exposed to other cultures, the more the community ensures itself against later hate violence and bigotry.

Now specifically, the object of this education, in addition to giving enriching information, is to convey the value of basic respect and dignity for all peoples. Multicultural education is even more needed in ethnically homogeneous communities. I've heard teachers say, "Well, I don't need to teach about that, I don't have any Buddhists in my class." And exposure in those areas to people different from oneself are limited.

After the first meeting each of us went back to our constituencies. We spread the word, we got our support. Alameda County Sheriff's Department was involved in every step of the planning and offered invaluable advice as well as tremendous security on the day of the event. Local political leaders were contacted for support. Churches and grocery stores were flooded with fliers. Businesses and individuals were solicited for volunteer services, printing, graphics, armbands. The generous response from the Castro Valley community was absolutely overwhelming. The reward fund group, people started calling and volunteering their time and services, and there was some grumbling about us stirring up a lot of trouble. Actually, that attitude, because it's so pervasive, seems to me that it may well be more of a threat to our well-being even than overt acts of hate.

Over 200 years ago Edmund Burke said, "The only thing necessary for the triumph of evil is for good men to do nothing," and that is still true today. Doing nothing leads to the expansion of evil.

In a letter to the editor of the Daily Review on November 28th, a self-described white Gentile leader wrote of his car being spray painted with a swastika by what he believes are "kids who have nothing better to do than to destroy private property without regard to who owns the property." He asks, "Why do the bleeding hearts and minority action groups of Castro Valley immediately cry racism when the same thing happens to a minority?" He wonders if the incident had anything to do with bigotry or if a white car just makes a good background for red graffiti.

I was so outraged when I read that.

In the 1950's a study of grave vandals on a Jewish cemetery was conducted right along these lines to determine if the vandalism was just ordinary kids playing ordinary pranks or was it rooted in anti-Semitism. Well, the study revealed that yes, indeed, local teens were the vandals and they came from

prejudiced, hate-filled families.

I would advise that communities be really aware of "It's not that bad, it's just kids" attitude. It is that bad no matter what the age of the perpetrator.

We tried to reach the grumblers. They were mainly scared. We didn't let them or the few hatemongers we encountered slow us down. Some of us were nervous as October 10th neared: Would anyone show up? Would there be an organized opposition? Were we in danger? Should we be worried about the strange phone calls that some of us were getting? October 10th arrived. It was just three weeks after Kathlyn had come to talk with us. This was a huge mobilization in three weeks. It was two hours before march time, the crew was setting up, our route had been changed at the very last minute (which made me nervous), security was getting in place, the volunteer monitors arrived. Half an hour to go, Kathlyn was pinning blue ribbons on the first people to arrive and the parking lot was absolutely deserted. And then all of a sudden people came swarming from all directions -- elderly couples, babies in strollers, kids on roller blades, families, people with homemade signs, all races, all sizes. Castro Valley neighbors came to say no to bigotry. The official count was around 3,000, which is really huge for that community. It was an amazing thing. The chanting was spirited, the speeches were moving. We collected almost 200 names of additional local people who want to become involved in ongoing work. It was a very special and important day for Castro Valley.

My philosophy of social change depends on the premise that there's basic decency in most people, and when those decent voices are raised as one there can be generated an implacable force that becomes not only educational but also acts as a deterrent for the expression of hate. Those in the community who are vindictive will know that there's powerful opposition to hateful actions.

Now, in Castro Valley there was even more concern for keeping the poison of bigotry out of our community than any of us would have dared to hope, but nobody would have known about this treasury of goodwill had we not been mobilized to demonstrate together. This was important for us to know about each other. The community really worked together.

And to other communities I would say that it's critical to be together in spirit and cooperation with school districts, businesses, police, citizens, politicians, civic organizations, and religious institutions. And yet, we were, in the truest sense, a loose grassroots group.

We hope to continue the work toward promoting the respect and appreciation of our Americans, a multicultural society. We plan to increase the continuous involvement of more and more people. Our fledgling organization is now named the Castro Valley GRAB, which is Grass Roots Against Bigotry. We will be

proactive and support community education and public forums as well as reactive if we need to be. We are keeping the network of the community entity functional so we can mobilize.

SENATOR PETRIS: I think you made your point very well. Very good.

Now our final witness. Is there anyone out there also want to testify from the public? I guess the public mostly left. You're Wanda Remmers?

MS. WANDA REMMERS: Yes, I am, and I greatly appreciate the opportunity.

Yes, my name is Wanda Remmers. I'm with the California Mental Health Coalition for Special Needs Housing, which the title may say why am I here? Actually, the reason I'm here is that our organization just finished three years of a somewhat intense fight to get fair fair housing laws passed in California. The Governor did sign our bill -- AB 2244 -- which goes into effect January 1st.

We spent those three years motivated by numerous incidences throughout the State of California, community after community of very violent, very active opposition to the placement of, to the actual presence of people with disabilities within communities.

Our focus was on housing. Our organization primarily works on behalf of people with psychiatric disabilities but we have seen over and over again threats of violence, people talking about bringing their shotguns out, they're going to shoot any of those people if they see them in the neighborhood. We've had incidences of fire bombings, slashing houses with red paint, on and on and on. And it wasn't until a few weeks ago that I realized that all of these things had another name: hate crimes. That many of these individuals are actually the victims of hate violence, hate crime. A number of terms have been used today.

And partly why I came to this realization is because I got a phone call from a gentleman in San Francisco -- and what he told me goes counter to some of the testimony you heard earlier -- that he was walking down the street in San Francisco and someone accosted him, grabbed him by the hair and smashed his head into the sidewalk numerous times saying, "If you thought you had brain damage before wait until I get done with you." This gentleman is known in his neighborhood as having brain damage. He couldn't get anybody to take his complaint. He felt he was a victim of a hate crime. I agree with him. I believe him. No, the police wouldn't listen to him. He couldn't find any legal service agency that would listen to him. He didn't know what to do and he called a number of people and got to me.

SENATOR PETRIS: Couldn't he get a prosecution for assault and battery?

MS. REMMERS: He could not get the police to take a complaint. Being in

San Francisco at the time in the neighborhood that he lived in he felt that the priority of the police department actually was the matrix(?) program and that there were other priorities for what the police were attending to. I don't know that in particular but I do know he couldn't get anybody to take his complaint.

SENATOR PETRIS: We should have had you talk to the San Francisco representatives.

MS. REMMERS: I have their names.

SENATOR PETRIS: I think you ought to call them.

MS. REMMERS: So this led me to here, actually, and to numerous phone calls and investigations. He also felt that in the City of San Francisco -- their hate crime ordinance uses the phrase "physical disability" and he felt that that left him out because he didn't have what was perceived as a physical disability. In the Ralph Act and other examples of the law in the booklet that we got it all says "disabilities" so it should be clear that disability, not physical or wheelchair or whatever the public's perception is.

So my primary concern is that even though some of the speakers today did mention the term "disability" and it is in the law, that actually, as in the largest civil rights movement and other arenas, people with disabilities are often left off to the side. The county jails in Los Angeles County are the largest mental institution in the country. They have more people there with psychiatric disabilities and diagnoses than any institution does.

One of the things we need to do in addition to everything that's been proposed to you today -- counting, setting up models, etc., etc. -- is make sure that we tell it the way it is, that people with disabilities are victims of hate crimes, and many times they don't identify it that way either so they don't follow recourse in that body of law, that we do count it. We heard testimony today that while some sheriff's departments, police departments might count race and ethnic composition in other categories of hate crimes, they possibly, probably do not count other groups that are victims of hate crimes. You mentioned the media a lot. We know what the media does to people with psychiatric disabilities. It's similar to other groups when they're painted as violent and at any moment they're going to kill you, attack you, which, of course, statistically and individually is just not true. Statistically, people with psychiatric disabilities are less prone to violence than the general population, and on and on and on.

And primarily, as you've also been asked, I think, the issue is leadership. Recognizing the diversity not only of our society but the diversity of people who are in protected classes, diversity of people who are subject to hate

crimes is an important part of ending both the stigma and moving towards educating the lack of education and lack of awareness in the general population.

I would agree with, of course, a great deal of what was said today but I have a slightly different focus and I wanted to present that to you.

SENATOR PETRIS: Thank you very much. Any question or comment?

SENATOR WATSON: How prevalent is hate crimes towards the disabled? You know, it's hard to ferret out what's a hate crime. People hassle what they consider weaker people and I don't know how often it gets fitted into the category of hate crimes. Do you know?

MS. REMMERS: Very seldom is it actually called a hate crime. Our organization is statewide and I communicate with people all over the state fairly often and I hear frequently people talking for themselves or their offspring of someone being assaulted in a store or on the street corner because they either look different or their nose could be different. I think it's fairly prevalent not called what it is and therefore we can't address it. In some ways, the paternalistic attitude towards people with disabilities gives you more permission for this against this population. And as the civil rights movement, people with disabilities are a little bit further behind than a lot of the other groups. So there is a very definite civil rights movement for people with disabilities in this country, though it's not quite up to par, both for their own advocacy as well as for recognition amongst the other groups and, of course, in the general population. It is difficult. The kids on the school yard call each other retarded or things like that. But it does move beyond that to where people are actually physically assaulted or threatened because of all the things that's happened to everybody else: fear, misunderstanding.

SENATOR WATSON: What would be helpful for us is if you could give us some guidelines because I know a person in a wheelchair can be ripped off by somebody only because they're disabled and can't give chase, or whatever, and it's hard to really distinguish whether they're preying on the weak or they just hate them. So you might think, your organization might think of guidelines that will help us.

MS. REMMERS: We'd be happy to. As you've heard from, I think, all of your other speakers, we're very interested, as we did on our fair housing bills, in adding our voice and our letters and our presence to help the legislation pass. Counting, as everyone said, and making sure we count also people with disabilities and victims of hate crime is an important part of making everyone aware of what's going on.

SENATOR WATSON: I guess if you're Black, gay, African American female in a

wheelchair, you're in big trouble.

SENATOR PETRIS: Sammy Davis used to say that. I heard him two or three times. Somebody was complaining and moaning and he said, "What are you moaning about?" He said, "How about me?" He said, "I'm a Black, one-eyed Jewish person." And short. About five feet. He had about four categories there.

Well, I want to thank everyone for your participation and thanks to the staff who helped us put this together.

SENATOR WATSON: And we appreciate your patience.

SENATOR PETRIS: Right. And thank you for coming all the way up from L.A.

WRITTEN TESTIMONY OF NANCY DINER, ANTI-DEFAMATION LEAGUE

For the past fourteen years ADL has maintained an audit of anti-Semitic incidents in the United States. Almost 1800 incidents across the nation were recorded in our 1992 Audit. California recorded 210 anti-Semitic incidents, the second highest state total behind New York. While we have yet to release our 1993 figures, based on the information collected we have thus far, we will once again see an increase over last year's figures.

The number of organized hate groups in this country is at an all-time high. ADL estimates there are between 3300-3500 active skinheads in this country comprising over 160 different gangs in 40 states. While this number may not seem terribly high, these groups are becoming increasingly violent. Many are declaring their own "racial holy wars" and have grandiose plans to wreak havoc on our nation.

Only five hate crimes have been reported under the Federal Hate Crimes Statistics Law in California this year. This law 1990 must be amended to make it mandatory, not voluntary, for agencies to report hate crimes to the FBI. We need the federal government to put top priority on halting the proliferation of hate crimes by working more closely with local law enforcement agencies to track and prosecute.

In 1989 State Senator Diane Watson sponsored legislation to commence the statewide collection of hate crime statistics by the Attorney General. However, the Legislature amended the bill to make the collection of data contingent on appropriations, which, subsequently, were never granted to the Attorney General. Reintroduced with appropriations in January 1992 and then amended and passed with no appropriations, the bill was subsequently vetoed by the Governor.

We need to paint a more accurate and clear picture of what is really going

on with regard to hate crimes. ADL has been working closely with the Attorney General's Office and the FBI to enforce California's compliance with this act. It is imperative that hate crime statistics are provided to the FBI so that we can discover trends in hate violence and devise practical methods to combat the rising tide of hate crime in California and the United States.

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INTERGROUP CLEARINGHOUSE

• a public - private partnership working to prevent bigotry •

Interim Hearing on Hate Violence in California
Alameda County Board of supervisors Chambers
1221 Oak Street, Suite 536
Oakland, CA
Monday, December 13, 1993
9 a.m. - 3 p.m.

Testimony of Jill Tregor, Executive Director, Intergroup Clearinghouse

In 1982 the San Francisco Human Rights Commission helped to form the Intergroup Clearinghouse Inc. to:

identify intergroup misunderstandings and tensions that have the potential of endangering the health and welfare of the community...[and recommend] what direct or indirect...intervention should take place.

In January 1990 the San Francisco Human Rights Commission held public hearings in order to assess the extent of the problem of hate violence and identify the resources necessary for a successful and comprehensive response. Intergroup Clearinghouse was designated as the agency best positioned to implement the plan that was developed as a result of those hearings.

The result is that Intergroup Clearinghouse has developed into a coalition of public and private agencies that coordinates and improves the effectiveness of efforts by various segments of the community to reduce hate violence in the city of San Francisco. It seeks to coordinate activities of the criminal justice system, schools, community based organizations, religious institutions, and other public and private agencies to:

1. Encourage the reporting of hate violence incidents and provide immediate assistance to victims;
2. Promote programs designed to prevent youth involvement in hate violence.
3. Ensure agencies respond appropriately to reports of hate violence.
4. Identify the frequency, location and type of hate violence incidents in San Francisco and involve affected communities in an effort to identify its causes and formulate and implement strategies to address them.

In a very short period of time, Intergroup Clearinghouse has accomplished the following:

- By pooling resources of legal organizations the Intergroup Clearinghouse can arrange free legal representation to victims of hate violence, not only in San Francisco, but for the entire Bay Area.
- The San Francisco Police Department not only created a Hate Crime Unit with the expressed goal of working with the Intergroup Clearinghouse, but it also established a Hate Crime Investigators' Association to coordinate efforts of police departments and prosecutors throughout the Bay Area to deal with bigotry.
- The District Attorney assigned staff from both the civil and criminal branches of the office to work with the Clearinghouse to develop protocols for processing hate violence and hate crime complaints.
- The Dean of the California Judges College and Municipal and Superior Court Judges, from Fresno, Contra Costa County, Sacramento and San Francisco met with the Clearinghouse to help design training on adjudicating cases involving hate violence.
- The Board of Education passed a resolution supported by the Superintendent, to require school personnel to identify and report hate violence incidents on school campuses. The San Francisco Unified School District is the first school district in the nation to implement systematic hate violence reporting.
- The San Francisco Unified School District agreed to designate seven middle and high schools to adopt the Intergroup Clearinghouse Bias-Free School Plan. The plan's features include establishing campus human relations committees to design and implement strategies to improve relations among students, among staff and between staff and students, and the implementation of teacher training to enable teachers to work effectively in a diversified campus setting.
- The San Francisco Mental Health Association developed a pool of mental health service professionals to provide free professional counseling to victims of hate violence in San Francisco who are referred by the Intergroup Clearinghouse.
- Over 80 community based organizations, religious institutions and labor organizations agreed to form a network of community based hate violence reporting and victim assistance centers in San Francisco. The Intergroup Clearinghouse trained twenty-three of these agencies thus far and will expand this coming year to include the others.
- In theory, San Francisco has the most comprehensive system for reporting hate violence found anywhere. The Clearinghouse is designated to

receive copies of hate violence reports made to police, the schools, and to a network of community groups, religious institutions and other public and private agencies. Once the system is refined these reports will enable the Clearinghouse to work with affected communities to analyze the causes for the hate violence and design and implement strategies to address them.

The Future of Intergroup Clearinghouse:

The priorities for Intergroup Clearinghouse at this time are a). the institutionalization of neighborhood/community based reporting and victim assistance centers that directly involve the community in the effort to respond to and eliminate hate violence, and b). work with youth, who are both frequent victims and frequent perpetrators of hate motivated violence.

The Clearinghouse believes strongly that any effort to address the issues of hate motivated violence must do the following:

- Make violence prevention a priority in every element of government.
- Focus not just on enhanced penalties for perpetrators but take a look at the whole criminal justice system. While serious penalties for hate crimes may give the public and legislators the sense that "something is being done", our prisons are well known to be breeding grounds for hate. We must create effective diversion programs that focus on reeducation of perpetrators.
- Provide comprehensive assistance for the victims and their families. Funding for community based victim assistance and reporting centers is critical. Victims must be able to have services that are culturally and language appropriate. One option could be to establish a staffed statewide "800" phone number that was well publicized. Victims could call the number to report incidents and be referred to local resources that could provide appropriate assistance. This would be particularly useful for those small communities that don't have the resources to create entire agencies for victim assistance.
- Develop educational campaigns to address bias. These campaigns could range from public service advertising using both the print and electronic media to programs such as Intergroup Clearinghouse's Bias Free School Plan which works with parents, staff, community and students to develop and implement activities that ensure bias free campuses.
- The Bias Free School Plan will work with each campus to assist in identifying bias between students and between staff and students and

devise methods for peaceful resolution, will assist in professional development for teachers and other staff in cooperative learning techniques and deliver conflict resolution training for students and faculty. This program and others that work specifically with youth desperately need support and funding.

- Must incorporate the active participation of the media. The media's role in escalating intergroup tensions is well known. It could play an equal role in reducing those tensions through affirmative stories about immigrants, people of color, and lesbians and gay men.
- Fund alternative dispute resolution projects that give communities free or very low cost alternatives to resolving their disputes, and creates new models for addressing conflicts.
- Better statewide data collection. Without accurate information, it is impossible to assess the extent of the problem. We know about how difficult it is for many targeted communities to be willing to report incidents, yet even those individuals who are willing to report are not being encouraged to do so. Experience in San Francisco shows that when agencies such the Police Department make the effort to create better relationships with affected communities, reporting to the Department does improve.
- We support the reintroduction of Barbara Lee's ^{legislation} making Alameda County a pilot program for a comprehensive approach to the problem. Even better, we support a bill that would allow for more than one pilot, in order to include the work of Intergroup Clearinghouse. We also urge funding of such projects.